

THE CASE

OF THE

REV. JOHN W. FOWLER.

ISSUED FIRST

BEFORE ONEIDA PRESBYTERY,

August, 1842,

AND FINALLY, ON APPEAL,

BEFORE THE UTICA SYNOD.

January, 1843.

UTICA:

R. NORTHWAY, PRINTER, 132 GENESEE-ST.

1843.

THE CASE

BY THE

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1843

REV. JAMES W. TOWLER

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1843

TO THE READER.

The case of Rev. JOHN W. FOWLER has excited much interest in this community, and indeed wherever it has been known to have occurred. The position he occupied was, perhaps, *one* of the most prominent and commanding in the State or country. His congregation was among the largest, most respectable and educated in this or any other land, and was almost universally known as such; and standing as it did in the heart of the State, its influence was of course extensively felt, and all that immediately concerned it was, to an extent that could be said of but comparatively few others, matter of general interest. On this account, and from the fact that Mr. Fowler was quite a number of years its pastor—his case has, of course, been one of extensive notoriety and no little interest. We have deemed it our duty, therefore, to spread out the case before the public, at least before a certain portion of it who will feel the most concerned to be informed, that no injustice may be done Mr. Fowler or injury inflicted on the cause of religion by opinions of him and his case that are not founded in truth. We shall state the facts and all the facts in the case relating to the charges that occurred in the history of its progress from the commencement to its close. Almost all the facts in evidence herein recorded were published as they now are before the trial of the case came on before the Synod, and immediately after it was *issued* before the Presbytery. We had copies at the meeting of Synod containing all the facts presented at that issue of the case. Now that we may go to work openly and above-board, and in a manner to prevent all surmise, doubt and suspicion, we give the following *certificate*, which we humbly trust will be satisfactory to every reader:—

We do certify, that we were present at a meeting of the Utica Synod when this case of the Rev. John W. Fowler was tried and were members of that body and heard the facts in the case. We believe the statement of those facts herein given to be a true copy of all the evidence then presented, both for and against Mr. Fow-

ler, and that as correct a knowledge of the merits of the case can be gained by reading this as could have been by being present at the trial. We give the *above* certificate as applying to the pamphlet as it was at the meeting of Synod, containing an account of the facts in evidence before *Presbytery*. Some *new* testimony was presented to Synod which will be added.

WILLIAM LUSK, Pastor of the 1st Presbyteria Church, Cherry Valley, Otsego Co. N. Y.

DAVID H. LITTLE, Elder 1st Presbyterian Church, Cherry Valley, Otsego Co. N. Y.

JULIUS S. PATTENGILL, Pastor 1st Presbyterian Church, New Berlin, Otsego Co. N. Y.

HORATIO PATTENGILL, Pastor of the Presbyterian Church, Millford, Otsego Co. N. Y.

ROBERT C. BRISBIN, Pastor of 1st Presbyterian Church, Vernon, Oneida Co. N. Y.

DAVID L. OGDEN, Pastor of the 1st Presbyterian Church, Whitesboro, Oneida Co. N. Y.

HORACE P. BOGUE, Clinton, Oneida Co. N. Y. late Pastor Presbyterian Church, Vernon, N. Y.

We again say, we would fain hope the above statement will be satisfactory to all, so that we can now proceed to invite the attention of the reader to the facts that follow with a humble confidence that he will regard them as all that were presented, both for and against Mr. Fowler—a true and complete history of his case.

In order to a right understanding of all the proceedings, it should be distinctly remembered, that when the case first commenced, there were quite a number of charges, or rather specifications under charges, that are not here introduced and were never issued because they were entirely without foundation. It seems that several allegations grossly impeaching Mr. Fowler's character were originally tabled against him before Presbytery, (among which were the charges herein considered.) This was done before Mr. Fowler had recovered from his mental illness, while he was in the Hartford Retreat, and of course when he was in a condition neither to be consulted as to their truth, nor to attend to making any arrangements whatever in regard to them. In this form and at this time, to wit, with these numerous charges and specifications, and before Mr. Fowler was able to appear to attend to his defence, the case was most strenuously urged to trial by Rev. Theodore Spencer, of Utica, and one or two others who had been principally active in getting up the charges. This trial was as warmly opposed by Mr. Fowler's friends on the ground of the great injustice of going thus summarily to work in the ab-

sence of Mr. Fowler, and before he had recovered. After much contest the case was postponed by a bare majority of Presbytery. Subsequent attempts were made in the same way before Mr. Fowler could appear, but at length, by a bare majority, the trial was finally deferred till Mr. Fowler should be able to appear.—Now, when, after the case had been thus deferred, it *did* come to trial in Mr. Fowler's presence, all the above mentioned charges and specifications were entirely abandoned by Mr. Spencer and his associates from an utter want of proof. Though they had been gravely said to be true, and the names of a large number of witnesses were, in the usual form and according to requirement, appended to each charge and specification, and it was declared that these witnesses were ready to testify, yet it seemed that in reality they knew nothing of the acts alleged whatever, nor had they ever been enquired of in respect to them. Where these charges all came from (and they were many and flagrant,) and how it could have been surmised that certain individuals knew certain things against Mr. Fowler when they had never so much as dreamed of those things, and never had been consulted at all on the subject, it is impossible to divine. At any rate, when the leaders in this affair saw that the matter would and must be investigated, and when for this purpose they met Mr. Fowler upon the trial, *all these charges and specifications* against him, of which they had made such an imposing array, and which, when Mr. Fowler was confined in the Asylum, they had spoken of with so much confidence and urged to an immediate trial—all of them we say, were *voluntarily abandoned* from an *utter want of even the shadow of a proof*, except the charges on which he was tried and to which all the testimony herein recorded refers.

The case then, the whole case as it really exists and as it appeared before Presbytery and Synod may be stated as follows : Mr. Fowler, having been for a long time out of health, and his nervous system being greatly impaired and shattered, proposed taking a voyage to Europe for the benefit of his health. He had for months, as the reader will see by the testimony, and especially for *weeks just before* he left Utica to go on his voyage, been in a state of partial derangement, as evinced more particularly by frequent *turns* or *out-breaks* of insanity, which became worse and more frequent until the time of his leaving. In this condition he left, and went immediately to New York, where he was to embark with a friend, under whose care he was to go. But having to tarry in New York two or three days before he was to sail, he was out one evening alone in the streets of the city and fell in with a man by the name of Delano, who also belonged to Utica, the place of Mr. Fowler's residence. This Mr. Delano, the next day gave substantially the following account of the interview between himself and Mr. Fowler, to wit :—"That Mr. Fowler in-

vited him to take a walk with him—that he asked him to drink—that while walking together they came to a suspicious looking house, and that Mr. Fowler asked him to enter—that they did enter and stayed a few minutes with its degraded female inmates.” Such are briefly the outlines of the story of Delano, which constitutes the foundation and the only foundation of one of the two charges or rather specifications against Mr. Fowler.

The other item of alleged misconduct, is the story of a certain Welch servant girl, who once lived a few weeks, in the fall of 1839, in Mr. Fowler’s family as a cook and kitchen maid. When the prosecutors of Mr. Fowler, seeing the case was to have a regular trial, abandoned all their charges but the one founded on the story of Delano above related, they had nothing remaining against him of course but the single story of Delano, on which he could not be convicted as the constitution of the church requires more than one witness. This servant girl, (who had been married after she lived with Mr. Fowler) then came forward and told her story. Although it had been years since she left Mr. Fowler’s, and she had never told the story, nor had it ever been known before, yet now, just at this point in the history of the case, the story is circulated and she is urged to confirm it. The outlines of her story are “that the time she lived in Mr. Fowler’s family, on a certain occasion late at night, he came down into the kitchen from the chamber of his wife and took certain liberties with her in her room, which led out from or was rather a part of the kitchen, and extolled her personal beauty, and told her he was enchanted with her, or words to that effect, and then begged her pardon or asked her forgiveness and retired.” This and the story of Delano, constitute the whole case so far as the charges are concerned, as the reader will see as he advances. Now, in regard to the first of these charges, viz: the story of Delano, two grounds were taken in Mr. Fowler’s defence. The first was, that he was at that time in a state of *mental derangement*, partial at least, and therefore was not guilty whatever he might have done. The second was, that the story of Delano was totally insufficient, both from its nature and otherwise, to be made the basis of conviction, if there had been no plea of insanity. In his defence, on the first of these grounds, Mr. Fowler acknowledged, as of course he must if insane, that what Delano had said about him, *might*, for aught *he knew*, be substantially true. He could not, being at the time in the situation he was, say, from positive personal *knowledge*, that it was not true. As to the other charge, viz: the story of the girl, the ground taken was, that it was introduced to supply the deficiency of another witness, and that it was clearly and fully proved to be false.

Such then are the charges and all the charges against Mr. Fowler. The two persons here referred to are the only witnesses to

the transactions of which they speak. They each pretend to have been alone with Mr. Fowler at the time, and therefore, his guilt or innocence of these alleged improprieties of conduct depend solely on *their word*, and without a single corroborating circumstance directly or indirectly to sustain them, as the reader will see. This, in our apprehension, is very important to be understood and remembered by the reader, as there is a great mass of testimony, much of which is entirely irrelevant, and none of which, except the simple story of Delano and that of the girl, is proof of the charges in question.

There is one point on which we have a good deal of solicitude, and feel disposed to make an earnest request. It is, that *all the important portions of the pamphlet should be read by those who attempt to read it or hear it read at all*. It is not uncommon for persons to catch up a book or pamphlet and read a few lines or pages, or think perhaps they can get the drift and general purport and merits of a work by taking a running view of its contents. All this may do very well if the work be a novel, a poem, an essay, or almost any thing else but a statement of facts and arguments to prove the innocence or guilt of a man. A single fact may change the entire aspect of the case and be the very point on which the whole is to turn and the estimation of the guilt or innocence of the man to depend. And yet that fact or consideration may be the very one which you may happen not to see. To read the forepart of this pamphlet and not the middle, and especially the last, would certainly be doing Mr. Fowler great injustice. For, while most of the facts herein recorded are in his favor, and none of them impeach him at all but the stories of the two witnesses already alluded to, the middle and latter portions of the pamphlet, or that part commencing with Mr. Noyes' testimony, are the most important to him. The reader will permit us therefore, to repeat the request that all who attempt a perusal of this pamphlet, will read, or hear read, the *whole*.

It will be seen that several portions of the record are items of testimony offered by the counsel for Mr. Fowler, but rejected by Presbytery at the issue of the case before that body. These generally were the most important portions of Mr. Fowler's testimony. They are noticed as rejected and included in brackets. What we wish the reader to understand in regard to them is, that they were all *received by synod* on the final trial, and either were at that time or had been previously *taken anew* by proper authority. For instance, the testimony of Mrs. Sammons, Mrs. Bullock, Mrs. Parker, Mr. Bottum, &c., were first taken and carried before Presbytery, and by them rejected. They were then, just before the meeting of Synod, when the case was finally tried, taken *again* by a commission of Synod, previously appointed for the purpose, and the witnesses gave them the second time *precisely*

as they did the first, *word for word*. They are now, therefore, as is stated in the *certificate* with which we commenced the pamphlet, a regular part of the testimony. We mention this, not because it is of any great importance to be known, as those portions are all attested by those who administered the oaths and took the testimony, but to prevent any confusion in the mind of the reader.

The Prosecutors in this case were

Rev. Theodore Spencer, Utica.

Rev. Ira Pettibone, York Mills.

Rev. Moses C. Searle, New-Hartford.

The Counsel for the accused were

Rev. Horace P. Bogue, Clinton.

Rev. David L. Ogden, Whitesboro.

We now proceed to the testimony. It will be observed that the testimony in relation to the charge founded on the story of the servant girl is first inserted—all that was offered on this subject for and against Mr. Fowler.

Before proceeding, however, to the testimony we give the following certificates to show the manner in which she was examined in the absence of Mr. Fowler and in despite of his request for a little delay to be present and meet her face to face, which might have been granted, as there were numerous other witnesses to be examined, but which was refused and her testimony taken in a hurry before Mr. Fowler could arrive.

I hereby certify, that I, as one of the Commissioners appointed to take testimony in the case of Rev. Jno. W. Fowler, having been informed by his brother that he, said Fowler, desired the taking of Margaret Hughes' testimony to be deferred a short time until he should arrive to be present, suggested to Mr. Spencer the propriety and importance of this reasonable delay, but that Mr. Spencer declined a compliance with my proposal.

Feb. 11th, 1843.

ROBERT C. BRISBIN.

N. B. The certificate formerly published by Mr. Fowler* was written by him from memory according to the substance, as he supposed, of a statement which I made to him but a day or two after the circumstance alluded to occurred, which certificate he left on his return to Boston for my examination and signature, but by mistake the printer published it before this was attended to. And I give the above as the truth in the case.

R. C. BRISBIN.

I hereby certify, that I received, the day previous to the meeting of the Commissioners in Utica to take testimony, a letter from

* Namely, the certificate of Mr. B. on the following page.

my Brother, earnestly requesting and demanding as a right, that the Commission should postpone the taking of the girl's testimony until he should arrive, as he, my Brother, would be necessarily detained a few hours, beyond the time at which they were to commence taking testimony.

JONATHAN A. FOWLER.

I hereby certify that I, one of the Commissioners, urged upon the Rev. Mr. Haynes, the other Commissioner, and upon the Committee of prosecution, the postponement of taking Margaret's testimony until Mr. Fowler should arrive, as a right of which he ought not to be deprived, and need not, in as much as there were many other witnesses to be examined; but that they *utterly refused* and proceeded at once to take her testimony.

R. C. BRISBIN,

Pastor of Presbyterian Church in Vernon.

I hereby certify, that at the request of Rev. John W. Fowler, I called on Margaret Hughes, after she had given her testimony, and during the Session of the Commission at Utica, viz: on the 1st day of August instant, and urged her to come before them again, and answer a few questions; but that she *utterly and perseveringly refused*.

DAVID L. OGDEN.

Pastor of Presbyterian Church, Whitesboro.

TESTIMONY ON THE PART OF THE PROSECUTION.

Margaret Hughes, being sworn says, that she lived in the family of the Rev. John W. Fowler, in the fall of 1839, as she thinks; lived there six **weeks** doing house work. After I had lived there some time, Mr. Fowler came down into the kitchen—it was rather late at night, about eleven or twelve—it was very warm—and asked me if there was any cold water in the house. I stepped as far as the door and told him, that the water had been in since tea time. I went out and got him a tumbler of water and then sat down at the table, and he then walked into my bedroom, leading out from the kitchen. He laid down on my bed, and called me in there, and said he had a violent headache, and wanted me to rub his head. I went in and rubbed his head. I thought it very strange, but as he was a married man and a minister, I thought I ought to mind him. There was a chair by the bed, and he told me to sit down, as I would get tired. He did not complain of headache when he came down at first. I sat down, and he put his hand on my bare neck, and then tried to put it into my bosom. I said nothing to him, but he did not succeed, for I pul-

led his hand away. He said I had a very pretty skin. He then took hold of my hand, and tried to put it into his trowsers. I saw what his object was, and pulled my hand away; next he tried to get his hand under my clothes in front, and when I saw what he was about, I jumped up, and said I, *Why Mr. Fowler!* and he said, Margaret, upon my word and honor I could not help it. You are so enticing, you would tempt any one. Do forgive me and don't tell any one, and I then went directly out of the room, and he went up stairs. I left the family soon after. I was afraid to stay, though not entirely on that account. I was not married then. I was between eighteen and nineteen years of age. I immediately told my sister, and my present husband, who was paying attention to me. I was then engaged to be married to my present husband. I requested my sister and husband not to tell of it, but my sister told Mrs. Briggs Thomas. My reasons for not wishing them to tell of it, was, that he was the Minister of the First Church, and it would make a good deal of noise, and they would not believe me, and it would injure me. Mr. Hughes did not advise me, nor did he oppose my keeping silence, but thought it very strange Mr. Fowler should act so. I did not want the young people I was with, to know it. I was then, and I am still a member of the Welch Congregational Church, under the care of the Rev. Mr. Griffiths.

At the time Mr. Fowler came down into the kitchen, I supposed all the family had gone to bed, and had been for some time. The first time I knew of this being made public, was about a month since.

After Mr. Fowler left Utica, Mrs. Briggs Thomas came to me and wanted me to tell her the story, and said she would not tell any one; and I do not recollect of telling any other than those named.

Mr. Jonathan Fowler, the brother of the Rev. John W. Fowler, called at our house twice: once about a month since, and then again last week. The first time he came, he said there was awful stories about his brother John, and that his brother had written up to him, to call on me, for he (John W.) knew that I would not wish to injure his character.

Last week Jonathan called to see me, for he said there were stories about that John had been unkind to his wife, and wanted me to sign a paper, which he had written before he came to our house, and told me that all that was in the paper was, that his brother John was kind to his family. I cannot read writing in English; no person was present but us two. He wanted me to sign the paper, and I told him that while I lived with Mr. Fowler, I saw nothing unkind, and I thought he was very pleasant to his wife. I was very unwilling to sign, and refused; and he said, if you saw nothing unkind in my brother's conduct to his wife, why

not sign the paper? He then read the paper to me, as I supposed, thought I don't know that he read the whole of it, and then I signed it. He said he read the whole. There was nothing in the paper, as he read it, about the affair in the bedroom, or anything else, except in relation to the treatment of his wife and family. If there had been anything in it about the affair in my bedroom, I would not have signed it. My husband found fault with me for signing it, for fear it might have something else which he did not read.

[The paper which she signed, here being produced by the counsel for Mr. Fowler, and which is marked K.*]

Witness says she took no notice of, or did not understand the last paragraph relating to Fowler's treatment, to wit, "*and that he never, in any instance whatever, done anything to me that I consider wrong, or improper, or unbecoming,*" or it was not read to me. If I had known it was contained in it, I should not have signed it, for it was not true. I do not understand the English language very well. All that Jonathan wanted of me was, to certify that his brother John was kind to his wife and family, and that was all I meant to do.

Cross examined by Mr. Ogden.—I thought very queer of it, as he, Rev. Mr. Fowler, was a Minister and a married man. I was ashamed to tell of it, on account of his being a minister. I don't recollect of seeing him in the kitchen so late at night, at any other time. I never saw him in my bedroom before. I thought it strange for him to lie down on my bed. If a young man, unmarried, had gone into my bedroom, I should have sent him out of door pretty quick. Don't recollect ever having said that Mr. Fowler had not behaved improper to me. Never did before that night, treat me improperly. Mrs. Thomas got the story from my sister.

In answer to question by Mr. Brisbin.

It is not true that I ever fainted away at any time, while living with Mr. Fowler, or that he took me up and laid me on the bed.

Read to witness and approved.

Mrs. Hughes questioned the second time at her house, by Mr. Haynes, at the request of Mr. Fowler.

To which of your sisters did you communicate the alleged fact of Mr. Fowler taking liberties with you?

* This is to certify, that I have lived with the Rev. John W. Fowler; that he always treated me with the greatest kindness, and while I lived with him was always kind and affectionate in his family; and that he never, in any instance whatever, done anything to me that I consider wrong, or improper, or unbecoming.

Utica, July, 1842.

MARGARET HUGHES.

I do certify that I read the above to Margaret Hughes twice, and saw her sign it.

J. A. FOWLER.

Answer.—Ann, the one that lived with Mr. Thomas, while Mr. Fowler lived there.

Q.—Was it the one that is now dead?

A.—Yes.

Mr. Hugh Hughes, called and sworn, to rebut testimony offered on the defence says—he is the husband of Mrs. Margaret Hughes, who has been examined in this case. That he resides in this city, and is a member of the Welch Congregational Church, under the care of Rev. Mr. Griffiths. Has seen Jonathan Fowler, who is here present, several times; that he has been to see me twice in relation to my wife's testifying in this case. He called on me at the shop, when I was at work, about the time the testimony was taken in New York, and inquired if I had heard about any stories that were going about Rev. Mr. Fowler in this place. I told him yes. He asked me how the story was. I then told him something about what my wife would testify in relation to what occurred in the bedroom, when she lived in the family of Mr. Fowler. He did not say much to persuade me to prevent the testimony from being given. He said he should not like to have it go out, for it would hurt Mr. Fowler's character forever. He did not at that time say he would give any thing to have the testimony suppressed. He then asked me if he might go and see my wife, and I told him he might. He went up, it was near 12 o'clock, at noon. I soon followed him. When I went into the house, they had been talking some time and had got some ways in the story. He turned to me, and asked me how we could get round it, so as not to have the testimony of my wife go out against Mr. Fowler. I then told him, that my wife was near to me, and the story had got out, and had got so far, that one of the two characters had got to be broke. Mr. Jonathan Fowler, and myself then went out of the house, and went down together as far as Mr. Jones' and there we talked, and I told him I was sorry the story had got out after it had been kept so long. Can't tell the whole we said. He said this story if reported would be very bad for Mr. Fowler, and he had rather make any kind of satisfaction than to have it go out. I don't know as I made any answer, and I promised to see him at the store at night.

I went to the store and it was shut up, and he was out on the side-walk. We sat down there and talked there about it. I can't tell all that we said; I don't remember, for it had not been much on my mind any way; but I recollect that I told him that they had not got the right end of the story, for as it was it would not hurt him; they had not got it as my wife told it.

About a week last Friday, he came to the shop and called me out, and told me that another story had got out about his brother, that he abused his family; I told him that I had not heard anything about it. Then he asked me if I was willing my wife should sign

that he never abused his family. I told him I did not know what she had seen, or how he did use his family. Then he said he had lived in his brother's family himself; that he could find only one other, my wife and himself, to sign to it; then he took a paper out of his hat, and said, here is what I have drawn up for your wife to sign, and I took it and read some of it; don't know as I got all the words; he took it out of my hand and read it to me again, and asked me if I had any objections to letting my wife sign it. I told him I did not know; that I wanted a little time to think on it, and I would let him know the fore part of the week. I understood after this, that my wife signed the paper; that she signed a paper presented to her on Tuesday. [Here a paper was shown to witness marked K, and signed by Mrs. Hughes and offered in evidence on the defence.] Witness declares that the paper shown to him by Jonathan Fowler in the yard, did not read like this paper—nothing like it, only three or four lines on the top; that only stated about Mr. Fowler's treating his family with kindness; that the latter part of document K, relating to Mr. Fowler's treatment of Mrs. Hughes, was not in the paper read to me. I heard not a word of it when read to me by Jonathan Fowler. The first I heard of the story being out in public was when Dr. Rathbun came down to my house, five or six weeks since, and told me of it. The paper shown to me, and read to me by Mr. Fowler, was not as long as the paper marked K.; that contained but three or four, or five lines of writing.

Cross examined.—Mr. Jonathan Fowler told me that he was the brother of Rev. J. W. Fowler. He said that he called on me by his brother's request. I am confident that he said several times, that the story would injure his brother forever. Witness thinks he testified in relation to a conversation with Jonathan Fowler, on the side walk, that he had not thought of it much since or something like it. The reason why I was unwilling to have my wife to sign that paper was, that I did not know how he, Mr. Fowler had treated his family, and did not want to get into any trap. I wanted it all out straight. My wife told her sister the first time she saw her after the affair. Her sister told me so. It was over a year after, that the sister told me. It was a year last winter since her sister told me.

Question.—Do you know how the story got out upon the public?

Answer.—Yes. I know how it got out from my family. My wife told her other sister younger, and one of the two told it to Mrs. Briggs Thomas, last summer. Last summer Mrs. Thomas came to my house to inquire about it. The story had not been in my mind for some time, when Mrs. Thomas came to inquire about it. I did not know for sometime after, that she had come.

When Mr. Jonathan Fowler said he rather make any satisfaction than to have the story get out, I do not know but I might have got something out of him if I had pressed him. Witness considers it of much importance to defend his wife's character. I was married two years last March. My wife told me part of the story and complained of Mr. Fowler's conduct, but I did not fully understand it until after I was married, though I knew something was the matter that was not right.

Direct, resumed.—The first time I saw my wife after the bedroom affair occurred, she gave me a hint of the matter. I did not live in the place; she told me that she was going to leave Mr. Fowler's, and I asked what the matter was? I don't remember all she said, and before I came to the city again, she left Mr. Fowler's. Witness considers it of more importance to tell the truth in this matter, than to defend his wife's character. In the conversation at the shop, when Jonathan Fowler showed me the paper, and read it to me, there was not a word, to my recollection, about his brother's treatment to my wife. What I mean by a trap was, that I was afraid they meant to try to come round me, and make me and my wife out liars, when we were telling the truth. Fowler said his brother had cleared the charge against him in New York, and only this prevented him from preaching.

Read and approved.

Adjourned to meet to-morrow morning at half past eight o'clock. Closed with prayer.

Tuesday morning half past eight. Met pursuant to adjournment. Opened with prayer.

Rev. James Griffiths, called and sworn: resides in Utica, and is Pastor of the Welch Congregational Church in this city, and has been for near ten years past. I am acquainted with Hugh Hughes, and his wife Margaret; they are both members of my church, and have been something more than four years, as near as I now recollect. They are members in good, and regular standing; I believe they are respected in community as much as any other brother or sister in the church.

Cross examined.—Mrs. Hughes and her sisters have been in the habit of living out as servants. My intercourse with them has been pretty constant, just the same as with the other members. I do not recollect whether Mrs. Hughes has lived out of town or not since she made a profession of religion. Her mother resides in Steuben, and has for a number of years. Mrs. Hughes might have been absent three or four months at a time, but I (do) not recollect it now. Mr. and Mrs. Hughes do understand the English language if spoken to very plainly, but are deficient if hard terms

are used. They are Welch people. I don't think they would understand a sermon in the English language as well as they would in the Welch. It is a general custom for those who are in service to change pretty often. Sometimes living in Steuben, and sometimes here. Mrs. Hughes was first received into the church here, and I do not recollect that I ever gave her a certificate. About a month since I was applied to by Mr. Spencer to see Mr. and Mrs. Hughes, in order to know whether she would be willing to testify before the Commissioners, and whether they should go to her house, on account of her delicate health. She was very sorry the story had got out, and I advised her as the story had got out, to tell the whole truth, and nothing but the truth. I said to her, if she was called she must tell the truth, and not tell a lie. There were several reasons why I advised her to testify?

1st. That she would be blamed to let out a story, and not to prove it.

2d. I thought it her duty, as a christian, to let you know what she knew in this matter, to help settle a difficulty between you in the Presbytery. I think these two reasons are sufficiently weighty to induce a person to tell the truth. Did not tell her, if she did not testify, it would affect her relations with the church.

Direct, resumed. Question.—Why was Mrs. Hughes sorry the story had got out, and why was she reluctant to testify?

Answer.—She told me that Jonathan Fowler told them that all the difficulties with regard to Mr. Fowler might be got along with, except this story; and if this story could be dropped, he could follow his ministerial duties. She was very sorry that she was the only hindrance to his preaching. She told me she kept it secret from feelings of delicacy.

Read to witness and approved.

Doct. Josiah Rathbun, being sworn, says he is acquainted with Mr. Fowler. Resides in Utica; is a practising physician; is the family physician of Mr. Hughes, and is acquainted with Mrs. Hughes; has been so for a few months; is acquainted with her family, her brother and sister. Has taken some pains to inquire into the character of the family and of Mrs. Hughes. So far as I have heard any thing said, have uniformly heard their moral character well spoken of. In my acquaintance with Mrs. Hughes, in some trials of sickness, she appeared remarkably well; I mean this, that in conversation she seemed to be governed by motives of right and to have religious feelings. I called upon Mrs. Hughes by request of Mr. Spencer, in relation to this affair. I boarded with Mr. Fowler in the Bleecker

street House, in the fall of 1837, *ten days*. Mr. Fowler was a full looking man, plethoric, and eat *pretty largely of meat and gravies*. The thought occurred to me while there, that Mr. Fowler ate too freely for his health, and that such living would be likely to be injurious.

Cross examined.—Is a member of the church of which Mr. Spencer is pastor. Did not suggest to Mr. Fowler that he ate too much. Has seen people talk like christians that he believed he knew to be otherwise.

Direct.—Have seen nothing in the conduct of Mrs. Hughes to alter his opinion. My acquaintance with Mr. Fowler was merely a bowing acquaintance, as I should call it. I don't recollect that the duty of suggesting to Mr. Fowler the excess of his eating, presented itself to my mind.

Cross examined.—I recollect of only two of whom I enquired of the character of Mrs. Hughes, viz: of Mrs. Briggs Thomas, and Mr. Griffiths: her character has been subject of conversation, but I can't call to recollection the individuals, or times. Witness then remembered the third with whom he conversed in relation to Mrs. Hughes.

TESTIMONY ON THE PART OF THE DEFENCE.

Jonathan A. Fowler called for the Defence and sworn. I called upon Mr. Hughes in regard to my brother's affairs. He (my brother) was going out in the cars, and said he would like to have me see Margaret Hughes, and I called on my own responsibility. I did not tell Mr. Hughes that I called at my brother's request. At the first interview, I asked him if he had heard of the stories that were out in regard to my brother and his wife. He said he had. I told him then, I had no doubt they must have been *very much exaggerated*. He replied *affirmatively*. I told him I called upon him to ask permission from him to see his wife. He said I could. I went to see her, and he, in a few minutes came in. I had introduced the subject to her before he came in, and said to both that I was sorry such bad stories had gone out; and that I had no doubt the stories were very much exaggerated. She told me that she was very sorry, and had no idea that bad stories would get out about Mr. Fowler; that she had told her sister *in a joking kind of a way*, and told her sister not to tell of it; did not think she would tell of it. I then bid her good bye and left; and Mr. Hughes went out doors with me, and went on a little ways, and stopped. I asked him if his wife was going to testify any thing against my brother. He said she would be

obliged to testify to what she told her sister, or *she would be accused of being a liar*. He said she was very dear to him, and if she was accused of anything of that kind it would trouble him very much. Said, she being his wife, he would *rather have my brother's character injured than hers*.

[I asked him something in this way : said I, Mr. Hughes, what are the real facts of the case ? He said, my brother came into her bedroom ; said he had a headache ; said that my brother had his hands on his wife's face, and he said she thought she felt his hand on her leg ; she said, "Why Mr. Fowler !" and he repeated to her again that he had a headache, and wanted her to comb his head. She got up and he lay down on the bed, and I told him that that was not at all as the stories were. He said he knew it was not, that the stories were *much exaggerated*.]

Mr. Spencer objected to this, and Presbytery rejected it.

I told him then, it was about dinner time, that I would like to have him call at the store if he had time. Just as I was going away, I told him I was sorry bad stories had got out about my brother, as he had always been kind to me. There was nothing that I would not do, and no sacrifice but what I would make for as kind a brother, and then said good bye.

[He came in the evening just after the store was closed ; said he had just seen his minister, who had called on his wife ; he said the minister read the accusation at the request of Dr. Rathbun, who was requested by Mr. Spencer as I believe. He, the minister said, the accusations were *nothing as the truth was* ; said that his minister said the real story, he did not think *would hurt Mr. Fowler*, and he, Mr. Hughes said to me, that he believed there *would be no trouble about it*, as Mr. Fowler would *never be injured by what his wife would say about it*.]

Objected to by Mr. Spencer, and ruled out.

I called upon Mr. Hughes again at his shop, and had a paper drawn up and read it to him, and asked him if he thought his wife would be willing to sign it. He replied he was afraid it would make her trouble. I told him I thought not. He said he would see his wife and call upon me that evening. He did not call. I waited a day or two, expecting in the meantime that he would come and see me, but he did not, and then I went to see his wife. I asked her the same question I did him after reading it to her ; said she thought she would sign it, if I would interline it with the words "*while I lived with him*." I then read it to her again and she signed it. I interlined it there with the same ink that she signed it with. Then she repeated to me that she did not think Mr. Fowler would *ever be injured by what she was going to testify to*. She told me that she never lived with a kinder man

to his family than Mr. Fowler; that he always *treated her very kindly*, and *affectionately*, and then I left her, and that was the last of the conversation. I gave the paper yesterday to Mr. Ogden, and wrote the certificate at the bottom of the paper yesterday in the store. Mr. Hughes since came to the store to buy some iron, and I told him I had shown that paper I had read to him to his wife, and she had signed it, and he said he presumed there would be *no trouble about it*. The paper signed by Mrs. Hughes and marked (K,) is the *identical paper* I showed Mr. H. and wife, and read to Mr. Hughes, with the exception of the certificate at the bottom and the interlineation. Mr. Hughes just took hold of it and looked at it. Can't say whether he read it or not: but don't think that he held it long enough to read it. I read it to him before he took hold of it. I read it to Mrs. Hughes *twice*, once before I interlined it, and then read it with the interlineation. Mr. Hughes took the paper and looked at it and handed it back to me, with the remark that he was afraid it might bring his *wife into trouble*. In answer to question by Mr. Bogue, witness says the course he has taken in reference to the affair of his brother is wholly his own, and one in which his brother has no responsibility. He says also that he never offered any bribe or inducement to Mr. Hughes or his wife to prevent them from testifying, nor did he ever think of such a thing.

Cross examined.—Did not tell Mrs. Hughes that I called at my brother's request; told her that I felt interested for him, and she must excuse me. Witness is not a member of any church. That in the several interviews, neither Mr. nor Mrs. Hughes at any time manifested any feelings of unkindness or grudge toward my brother; but on the contrary spoke of him in the highest terms.

Read and approved.

Mrs. A. Sammons called and sworn. I am a member of the Broad Street Baptist Church. I was acquainted with Margaret Rowland, now Margaret Hughes. Have been acquainted with her four or five years, and know that she lived in the family of Mr. Fowler. She came here to stay a short time after she left Mr. Fowler's, and made it a kind of home here for a time. I heard her speak of Mr. Fowler. She spoke of him in very respectful terms, as being a very good man, and a fine man. She spoke of Mr. Fowler frequently, but never heard any thing but what was very respectful. I have never heard her say that any person—[Here the commission, consisting only of Mr. Haynes, Mr. Brishin being absent, without recording any more of the witness's testimony, left her house and did not return again.]

The following certificates will show the manner in which the commission left, and the reasons which compelled the taking of

the subjoined testimony of Mrs. Sammons, Mrs. Parker, and Mrs. Bullock, before a Justice of the Peace.

We the undersigned, do hereby certify that on the second day of August, we were present when the commissioner, the Rev. Mr. Haynes, attended by members of the committee and the counsel, went to Mrs. Parker and Mrs. Sammons to take their testimony; that Mrs. Parker being out, we went directly to the house of Mrs. Sammons; that Mrs. Sammons began to make her statements and the commissioner to record them; that the following question was soon put to the witness, viz: "Did you ever hear Margaret speak of improper liberties being taken with her while she lived at Mr. Fowler's?" That Mrs. Sammons went on to answer this inquiry, when Mr. Spencer and Mr. Haynes objected; refused to take down the answer, and in an apparent and unbecoming excitement of passion, immediately and abruptly left the house, and did not return, nor could they again be found, until it was ascertained that the commissioner had left the city.

HORACE P. BOGUE.
EDMUND W. BLAKE.

Mr. Blake was brought upon the stand before Presbytery, and Mr. Bogue was to follow, to testify to the above facts, for the purpose of showing what was strenuously urged by the defence, that it was both proper and just that the testimony of the following witness should be received. But Mr. Spencer objected to Mr. Blake's testifying, and the objection was sustained by Presbytery. Mr. Blake therefore took his seat. The Presbytery then offered to, and did appoint a commissioner to go to Utica, and take the subjoined testimony, but on the condition, however, that the Presbytery in that case would probably adjourn to some future time, without finishing the trial. It was thought on the part of the defence, that the Presbytery had already progressed very far in the trial; that an adjourned meeting would be composed of different members, who would be unacquainted, of course, with much of the evidence; that a postponement would protract if not increase the deleterious and dangerous influences which the matter while pending exerted upon the precarious health of the accused; that the defence had gone openly and fairly to the house of the following witness to take her testimony, and the commissioner had refused, and left the house and city, and that therefore, under the circumstances at least, their depositions ought to be received, especially as they came in a regularly authenti-

cated form. That those depositions were composed chiefly of direct, unequivocal, and positive assertions made under oath, and would therefore, not be denied or essentially changed under the most rigid cross examination; and finally, that it would not be possible, consistently with the laws of the Constitution for Presbytery to convict the accused on the testimony of the girl *alone*, however clear and uncontradicted that testimony might be, if they sustained his plea of insanity, of which at this time *no doubt* was entertained. For the above reasons, the counsel for defence preferred to have the trial go on, as they had no apprehensions as to the final result, and the commission was withdrawn.

[This affidavit was rejected by presbytery, and not permitted even to be read.]

Mrs. Amanda Sammons being duly sworn, deposes and says, that she is well acquainted with Margaret Rowland, now Mrs. Hughes. That she lived with her immediately after she left Mr. Fowler, in the fall of 1839, that she frequently and freely spoke to her of Mr. Fowler's, and *always in the highest terms*. She said he was a *very good man*, and a *fine man*, and always *treated her with perfect propriety*. This she said *frequently*. That Margaret has also told her *the story*, about the *improper liberties taken with her*, while she lived at Mr. Fowler's, but said *distinctly* that they were taken by *another person*, an unmarried man, and *not by him*. She said that Mrs. Fowler sent her of an errand to another house, and the improper liberties occurred there.

And this deponent further saith that she is well acquainted with Catherine Gallagher, who lived with Mr. Fowler some length of time, and who said she was surprised at hearing the reports against Mr. Fowler, as he had always treated her like a gentleman, and with perfect propriety.

And this deponent further saith, that she was proceeding to give the above testimony in answer to the following inquiry, made by Mr. Fowler as near as she can recollect; "Question." "Did you ever hear Margaret speak of improper liberties being taken with her at the time she lived with Mr. Fowler?" But that two of the gentlemen present objected to her answering and immediately and abruptly *left the house*.

AMANDA SAMMONS.

Subscribed and Sworn before me, this 2d day of August, 1842. { JOHN PARSONS, J. P.

I certify that I have read the above testimony *twice distinctly* in her presence and before she signed the same.

JOHN PARSONS.

Rejected by Presbytery.

D. C. Haynes being duly sworn says, that he knows *Mrs. Amanda Sammons*. That she is a member in regular standing of Broad street Baptist Church, of which deponent is Pastor. That she is a lady of intelligent and exemplary piety, and believes whatever she may say, to be honestly and understandingly said; and entitled to the fullest confidence and belief.

D. C. HAYNES, ,

Pastor of Broad Street Baptist Church, Utica.

Subscribed and sworn before }
me this 2d day of August, 1842. } JOHN PARSONS, J. P.

Rejected by Presbytery.

Mrs. Maria Parker, wife of *Job Parker*, of *Utica*, being duly sworn says, she is acquainted with *Margaret Rowland*, now *Mrs. Hughes*, and has known her *intimately for years*. Saw her frequently, immediately and *for a long time* after she left *Mr. Fowler's* house. Heard her speak *frequently* of *Mr. Fowler*. Said she *liked to live* in his family. She said he was a man of *good character*. Always spoke *well* of him. Represented him as a *good man*. Never heard her *insinuate* any thing against him. Deponent says, she should think from what *Margaret* has said to her, that *Mr. Fowler* would be the *last man* she would speak against. She was in the habit of speaking to me *very freely indeed* of her *own affairs*, much more so than any servant deponent ever had, and deponent has *no doubt*, but that if any improprieties *had* occurred on the part of *Mr. Fowler*, *she would have communicated it to her*. Deponent further says, that she is a member of the Congregational Church, of which the *Rev. Theodore Spencer* is the *Pastor*.

MARIA PARKER.

Subscribed and sworn before }
me, this 2d day of August, 1842. } JOHN PARSONS, J. P.

The following witness was taken before Presbytery during the progress of the trial, and in proper order was brought out upon the stand, and the point to which she was to testify, and the importance of her testimony to the accused were explained to the Presbytery, but *Mr. Spencer* objected, and the body refused to hear her statement. The above explains the reason why her testimony appears in the form of a deposition, as this was the only resort to bring her statements before the public.

It will be remembered by the reader, that the girl *Margaret*

swore in her testimony, that *immediately* after the “improper liberties” occurred, she communicated the outrage to her sister, and she afterwards swears it was her sister *Ann*, now dead; and that this sister was amazed and horrified that a minister of the gospel should be guilty of so gross a crime. It will also be borne in mind, that Margaret swore the “improper liberties” occurred in the fall of 1839, in which fall, she both lived at, and left Mr. Fowler’s.

Rejected by Presbytery.

Mrs. Eliza Bullock, wife of B. F. Bullock, of Utica, being duly sworn, deposes and says, that she was well acquainted with Mrs. Ann Jones, the sister of Margaret Rowland, now Margaret Hughes. That the said Ann, since dead, commenced living in the house of witness in the fall of 1839, and continued in her house until the following May, 1840. Witness saw Ann daily during the time here referred to, heard her often, during the fall and winter, and up to the time she left witness’s house in the spring, speak of Rev. John W. Fowler, of her own accord. Witness never heard her insinuate any thing against said Fowler, but she always spoke of him in the *highest terms*, not only of respect and confidence as a man of *purity and christian devotion*, but of *admiration* as a minister of the Gospel. Witness is *confident* she often, and of her own accord expressed the sentiments conveyed in the above sentence. That she represented to her, that she knew Mr. Fowler, and regarded him as a *most excellent* man, a man of *good character and unexceptionable deportment*. She said to witness, that she had rather sit under Mr. Fowler’s ministry, than *any other man*, that she *longed* to attend his church, and that nothing prevented her, but her friends all going to the Welch church, and that she even thought of *breaking through all restraint*, and gratifying *her desire* in this respect, by taking a seat in his church. Witness thinks it utterly *unaccountable* if not *impossible* that Ann should have known any thing against Mr. Fowler’s character, and have spoken to her of him as she uniformly did, as a christian minister of *pure feelings and undoubted piety*. Witness remembers distinctly that the said Ann very often spoke to her of Mr. Fowler, in the strong, and decided terms expressed above, even *up to the time* she left her house in the spring of 1840. Witness says, that some months after the husband of Ann died, which was about six months after she left her house, she, the said Ann told witness, that Mr. Fowler had called on her, and that she was exceedingly *gratified* with his *visit of condolence* as she always thought so *highly* of him, Mr. Fowler.

Witness has often heard the said Ann speak *directly* of Mr. Fowler's character, and cannot, she thinks, so strong was the *impression* made upon her mind *at the time*, be mistaken as to Ann's avowed *opinion* of him, or as to any thing she, the witness, has herein testified. She thinks it would be difficult, if not *impossible* for her, the witness, to find language *sufficiently strong* to convey the *high confidence* and *admiration* she, the said Ann, expressed in regard to Mr. Fowler. Witness is a member of the first Presbyterian Church, in Utica.

MRS. ELIZA BULLOCK.

Subscribed and sworn before }
me, this 2d day of August, 1842. } JOHN PARSONS, J. P.

Here ends all the testimony presented, and offered to Presbytery, in relation to the story of the girl Margaret.

The arguments employed *against* the accused on this point were : that Margaret Hughes and her husband, were *members of the Welch Church*. Mr. Griffiths and Doct. Rathbun's, testimony to her character ; that Margaret did not know what was in the paper she signed ; that Jonathan A. Fowler's testimony was not to be believed.

The arguments *for* the accused were—the nature of the girl's story itself, attributing to the accused *several distinct acts* which could not have been performed at one and the same instant, implying therefore on her part a patient submission to a *repetition* of that which she swears was so insulting and disgusting to her feelings—the *fact* that *no other attempt* had ever been made by the accused upon her virtue, though frequent and vastly more *likely* and *favorable opportunities* had occurred—the *deliberate* and *unprovoked* manner in which he is said to have left the *chamber of his wife* at that *late hour* of night—the improbability that a seducer, being a *minister of the Gospel*, would hazard the *loss of his character* as well as a *failure to accomplish* his object, by thus at once, and for the *very first time* pouncing upon his victim before he had any reason to *suspect* her virtue, or that she would not immediately *expose him*. The fact that the story was never made known or *heard of* as belonging to *Mr. Fowler* until nearly *two years* after it is said to have occurred, though the girl had lived where she heard things equally heinous spoken against

him with *impunity*—the fact that the girl said she first told it as a *joke*—that she signed a paper *acquitting* the accused of *all improprieties*—the strong *influences* that were then brought to bear upon her—the excitement of her *fears*—the alternative to which she and her husband swears she was reduced, either to fix the story on Mr. Fowler or be *ruined herself*—and finally, if the affidavits of witnesses could have been introduced, the fact that Margaret, immediately and for a long time after she left Mr. Fowler's, always spoke of him in the highest terms of commendation as a *man*, a *christian* and a *minister*—declaring of her own accord, that he had “always treated her with *perfect propriety*”—that “she liked to live in his family”—the fact that one witness said she should think from what she had heard the girl say, that Mr. Fowler would be the *last man* she would *speak against*—the fact that she told the story about the “improper liberties” but “*distinctly said* they were taken by *another person*, an unmarried man, and *not by Mr. Fowler*, nor in his house”—and lastly, the fact that the *same sister*, now dead, to whom Margaret swears she told the story of the “liberties” *immediately after they occurred*, and who expressed her *indignation* at the recital of them; that *that same sister* did, for a period of *six months* afterwards *frequently* and of her own accord, speak of Mr. Fowler in the *highest terms*, as a man of *purity* and *christian devotion*, expressing a strong desire to *attend his church* and sit *under his ministry*. These and others of a like nature were the arguments employed before the Presbytery, both *against* the accused and *in his favor*. The reader will judge for himself.

The next and only remaining question to be determined is, Was Mr. Fowler in a state of mental aberration while with Mr. Delano in the city of New-York, in the spring of 1841? (For the charge founded on the story of Delano, see charge 3d, specification 4th.) All the testimony presented and offered to Presbytery on this point will now be recorded. Such as was offered and rejected will be thus distinguished. The reader, it is presumed, will enter upon and peruse this testimony with care and candor.

Mr. Morcan Delano, called by the prosecution and sworn. I reside in the city of Utica. I am not intimately acquainted with Rev. John W. Fowler, but know him by sight. Have been with him. I think it was the 31st of May, 1841, at evening, that I first saw Mr. F. in N. York. I was standing in the door of the confectionary shop under the Museum, at the corner of Ann street and Broadway, kept by John Bottom. I was conversing with Mr. Bottom, and saw Mr. Fowler coming down from Lovejoy's towards Bottom's in the direction from the Theatre. He came towards us, and as he went past he bowed to Mr. Bottom. His bowing to Mr. Bottom led me to ask Mr. B. if he knew him. Bottom replied that he did not know him, but that he came in there often to get something to drink. I asked him what he drank, and he said he generally drank the best of brandy. I then told Mr. Bottom who Mr. Fowler was. After I told him who he was, he thought I was mistaken in the person; he could not credit what I told him. He said he could if he pleased, tell me something that would surprise me more than that. I then pressed him to tell. He then went on and said that he, Fowler, had been there to drink in his back room with women of the town. [Mr. Bogue objected to the witness telling any hearsay statements, to all that has gone before, or that should come after as coming from Bottom.]

[The reader is particularly requested to go from here and read the testimony of Bottom, Hough, Beach, and Curtis on subsequent pages, and judge how far it affects the credibility of what Delano has here stated.] *page 67. 20. 21*

After talking awhile with Bottom, I told him I would follow Fowler down town and see what he was doing. Previous to this time I had no personal acquaintance with Fowler, and believe he did not know my name. I have no doubt that he did not know my person or name. The next morning I had business with Mr. Noyes, and went up and saw him at the City Hall. While there with Mr. Noyes, Mr. Fowler came in and spoke to him. It was the same man I saw pass Bottom's the evening before. After Fowler left, I asked if that was Mr. Fowler, of Utica, and Noyes said it was. Noyes informed me that Fowler had been dismissed from his church in Utica. I informed Mr. Noyes what I had learned the evening before about Mr. Fowler from Bottom. Mr. Noyes seemed to think that I must be mistaken as to the man. Mr. Noyes and myself went directly down to Bottom's to ascertain if Bottom would tell him the same that he had told me. We found Bottom absent. Then Mr. Noyes told me to go on and find out all I could about Mr. Fowler, and remarked that Fowler should be watched, if he had to do it himself. The reasons why

I proposed to go on and see what Fowler would do, was, that I had friends living here who were members of the church of which he had lately had charge, and thought a great deal of him; and if he was such a man, I thought they ought to know it; and also at Mr. Noyes's request. The same evening, after about 9 o'clock, I went into Bottom's, and Bottom said that Fowler was there then and had called for some rum or brandy and was then in the back room drinking it. I looked into the back room and saw that it was Mr. Fowler. As I looked in he turned his face towards me. He had two glasses before him with colored liquor in one of them. Fowler went out directly at the door on Ann street. I followed up Chatham street and lost sight of him. I went back to Bottom's and while talking with Bottom, Fowler came in and took a seat in the front shop behind the screen. After he had been there awhile, I made some remark which led him and myself into conversation. After conversing awhile, he asked me if I would not take something to drink. I told him I would take a glass of wine. I took the wine and he a glass of Jamaica rum. All this was done, and I drank with him that I might have an opportunity of watching him and of seeing him drink. After conversing awhile on different subjects, he asked me if I was disposed to take a ramble. I consented. Then he said, if you are disposed to go and take a ramble, we will go and take a supper first at the American. We went over to the American and got some supper, and during supper he called for and drank a bottle of beer; I believe it was porter.

After this we started out, and after we had walked up some distance, he asked me if I was acquainted in that part of the city. I told him I was not much. Then, he says, you don't know where these suspicious characters live? I told him I did not. He walked up some further and turned down towards Church street, and as we got near Church street he pointed across to a house and said he saw a pretty girl, or some pretty girls, go in there last night, or the other night. We walked along in the direction of the house, and as we came near, he asked me if I was disposed to go in. I told him to suit himself—and just as he was stepping on the step to go in, some one opened the door to come out, and Fowler then turned and both of us passed on. We walked down Church street and then returned and passed the same house to the African church; and then we heard a noise in the church and we went in and stood awhile there. They were singing and dancing and shouting. We soon left and returned towards the same house on Church street; when near the house he asked me again—if I was disposed to go in. I replied if he felt inclined, I would go in. My object all the while was not to suggest any thing, but let him act as he chose. When he

came to the house we went up to the door and rapped. Some one from within asked who was there? He put his head down to the door and said, friend, or friends. The person within asked, how many are there of you? And after this question some one opened the shutter and saw there was two—and he said to her as she opened the shutter, let us in. She opened the door and went into the front parlor, and Fowler took his seat at the right hand of the door on the sofa. I took my seat on the chair on the other side. The keeper and two French girls were in the room. One of the girls went and sat down beside him and he began to hug and kiss her, and the girl began to tease him for two shillings—and he put his hand into his pocket and took out some money and said there are the two shillings. I did not see the money. The other girl began to tease me for two shillings. I told her I did not want any thing of her; I only came there to oblige a friend of mine—and had none for her; and as I said that, Fowler turned his head round suddenly and looked at me as if he suspected me; and to prevent suspicion I gave her two shillings and that seemed to silence his fears: and by this time the girls began to tease him or a bottle of wine. Fowler then called for a bottle of wine and we all drank. He paid for the wine. After this he was feeling around the girls putting his arms around and kissing them; and he sat in the lap of the keeper and pulled the girls into his lap. He had a fine gold guard chain about his neck which the girls admired, and talked about trading with them, and it was put around the neck of one of them. Something was said about there being a piano up stairs and he went up stairs with one of the girls and went to playing and singing, and I went up and heard him play and sing, and soon we went down stairs. He several times used the expression, d—n it, or G—d d—n it. After we went down stairs he made a bargain to stay with the keeper the next night.

From her answers to him, I inferred that he had proposed to stay that night; but she said no, not to-night. Then he made a bargain to come the next night. While we were there, some one came to the door and rapped and he was alarmed and so was I, and we both stepped into the back room. I did not see who came in. Soon after he made this bargain with the keeper we left, which was about 12 o'clock,—going down towards the American. He spoke of going to see such folks—referring to the girls: said that he sometimes went and that he always took the keeper in preference to the girls; he found they were safer than the girls. He said he went to see them occasionally—but that he had a very pretty wife, and he had to excuse himself by saying that he met an old College chum and had to take a glass of wine with him. I asked him if he had a wife. He said he

had, and I asked him if she was at the American? He said she was. I knew his wife was dead. And we got down near the American, he said, if you are disposed to go out to-morrow night, meet me here at 9 o'clock and I will go with you. I told him that if I concluded to go I would be there at 9 o'clock. We then separated, and the next day I informed Mr. Noyes of what had taken place, and we agreed to meet at the Franklin House and watch Fowler; for he (Noyes) did not seem to be fully satisfied with its being Mr. Fowler. I told Noyes that I was satisfied myself as to Fowler's identity—but at his earnest solicitation I consented. Mr. Bottom and Noyes both, could not believe that Mr. Fowler, a minister and occupying such a station as he did, could be the man. They were both in hopes I was mistaken in the man. I met Mr. Noyes that evening in the Franklin House according to appointment. Noyes came dressed differently that Fowler might not notice him. Mr. Wood, his partner, was with him. Fowler passed the Franklin House a moment before Mr. Noyes came in, and that was the last I saw of him that night. At the time appointed, we went to the American and waited around an hour or two without finding him. The key of his room hung all the evening in the bar. After some two hours—we thought he might have gone up to the house on Church street to keep his appointment made with the woman. Mr. Noyes and myself went to the house, and Mr. Noyes wished me to go in, and he waited on the other side of the street. I went up to the door and rapped and the same woman came and opened the shutter and looked out and asked who was there, and I told her so that she knew I was one that was there the night before. She let me in. She then asked me where my friend was who had made the appointment with her? I said, is he not here? She said, no; but has been here during the day, and asked me to go to a concert with him at the City Hotel. I told her that he had made an appointment with me to come up there with him and I had been waiting for him all the evening and expected to find him there. She said she had promised to stay with him that night, but she could not if he came, as her friend had come and she must stay with him. She requested me if I saw him not to mention it to him—for fear he would not come; and if he came he could stay with one of the girls. This conversation was in the parlor, and my impression is that the bed-room door leading from the parlor was partly open. We then returned to the American and it was about 12 o'clock. When I left the American, Mr. Fowler had not then returned—I left and went to my room. Mr. Noyes was still incredulous about the identity of Fowler—for up to this time he had not seen him with me, and

wished me to meet Mr. Williams at the Franklin House the next evening, Thursday, June 3d, at 7 o'clock. I met Mr. Williams the next evening, and soon after we saw him together, and Fowler went up into the Museum over Bottom's shop; and that was the last I saw him with Mr. Williams. As Mr. Fowler passed us, I said, there goes Mr. Fowler, and he said, yes. He was opposite the Museum. While Mr. Fowler and myself were in the house on Church street, he called me Captain. It did not occur to me at any time while I was with him that he (Mr. Fowler) was insane or deranged. In the street he appeared to be afraid of being noticed—of being seen by somebody that knew him. I first noticed this in Bottom's shop. I noticed this the first evening I followed him in Fulton street. At that time I lost sight of him suddenly. My impression was that he had gone into some of the eating houses, but did not see him go in, and that was the last I saw of him that evening. Many of those eating houses keep liquors. For the last twelve years, witness has been contractor on the public works, in some contracts with Mr. Farwell of Utica, on the New-York and Albany railroad, and were in company on the Croton Aqueduct.

Cross Examined.—Witness is not a professor of religion.

Question by Mr. Bogue.—Did you think Mr. Fowler's conduct and talk *unaccountably* strange for a minister of the gospel?

Ans.—I thought his conduct very strange for a minister of the gospel.

Objected to.

Question.—Did you know at this time, that Mr. Fowler was deranged?

Ans.—I did not know he was deranged. Witness did not see Mr. Fowler drink the first time he saw him in back room, when he was there alone. Saw no company in the back room. Don't know that he could see all the room? But my impression is, that there was no one in the room with Mr. Fowler.

Question.—Could you swear that there was no one else in the room?

Ans.—I think there was no one there—is confident there was no one there, but cannot swear positively, because it is possible there might have been. Witness don't know that the supper he ate at the American was paid for. Mr. Fowler invited me to take supper with him. The bar he told them to charge to No. 21. We saw no one about the house but the waiters, and we went immediately into the street after supper. The bottle of beer contained about two glasses. Witness did not drink any of it. Witness knew that Fowler was discharged from his pastoral charge in Utica when he commenced watching Mr. F.'s movements at the request of Mr. Noyes.

Witness drank the wine with the girls to prevent Fowler from suspecting that he was watching him. Merely tasted to keep up appearances. Witness is positive that Fowler said *d—n it*, but will not be positive that he said *Gi—d d—n it*, but thinks he did. Witness can't say that Fowler went to stay with the woman the next night after they were there. He did not see him there.

Question.—What was the particular conduct of Mr. Fowler which led you to think that he was afraid of being noticed or known?

Ans.—I got the impression that he was afraid of being seen by turning suddenly, when walking in the streets—appearing to be afraid of being known. I have thought the matter over a good deal and can find nothing to make me think he (F.) was deranged at the time. I can't bring any thing to my mind to lead me to suppose that Fowler was insane at the time.

Question.—How, then, did you account for Mr. F.'s telling you he had a wife at the American when you knew his wife was dead?

Ans.—I never attempted to account for it more than this: my impressions at the time were that he had drank too much. He did not know what he was talking about some of the time. He drank that night a third of a tumbler of Jamaica rum, a bottle of what was called beer, and some of the wine at this house. My impressions that he drank too much, were received from what I saw him drink and from supposing that he drank what Bottom said he called for. I should not notice from his walk that he had drank too much, but he showed it in his speech. I suggested nothing to Mr. F., but merely acquiesced in what he chose. I did nothing to lead him on. I felt concerned a little for my own reputation in this affair—not knowing but I might be blamed. I did not dream that Mr. Fowler would propose going to such places.

Question.—What was Fowler's general appearance when you saw him walking in Fulton street?

Ans.—He walked *backward and forward* and when he turned, *turned very suddenly* and seemed to have *no apparent object* in view. It was a cold night for the season and F. had his cloak on. Fulton street is two blocks from the American. Have never heard that there were any bad houses on Fulton street. Those eating houses, so far as I know, are respectable. Think there was a partition at Bottom's between the front and back room. If there was a window it was near where he stood to deal out liquors. Witness did not see that part of the room on the left side of the table where Mr. Fowler sat.

The following is a statement of Wm. C. Noyes, Esq., of New-York, made in the form of a letter to the Rev. D. L. Ogden, of Whitesboro, soon after the transactions in New-York occurred. The first part of this statement is omitted, being the most of it a recital of hearsay facts, which, though it was permitted to be read to the Presbytery, was not received by them as testimony; and which, with little exception, is a mere repetition of Delano's testimony, of what Delano said to Mr. Noyes. The part that is left out, however, will be found in the hands of E. W. Blake and can be read by all who choose:

"I was convinced from all these circumstances, (that is, from what Delano had said to him,) that there was something very objectionable in the conduct of Mr. Fowler, and resolved to see him as soon as my time would allow, and talk with him on the subject. I had no leisure to do so until the succeeding Saturday, when I called at the American Hotel to see him. In the mean time several letters had been sent to me for him, but he had not called, and they remained at my office. I took these with me and found Mr. F. sitting in the common smoking room of the Hotel, about half past three o'clock, his face very much flushed—his eyes blood-shot, and his head resting on his cane. The dinner bell had just rung, and though all the guests had gone to dine, he remained. He met me cordially, and upon my drawing toward him he handed me a chair. After a few words of unimportant conversation and my delivering him the letters, he asked me if I was unwell, and remarked that I looked very pale, (as I presume I did, owing to my extreme agitation,) and upon my answering that I was very well, and had come to talk with him upon an important matter, he became somewhat agitated and pale also. I then said to him that I had heard some strange stories about him and had come to learn from himself, whether his conduct since he had been in New-York had been entirely satisfactory to himself? And he answered, he did not know but it had. Why? I then said to him, in a few words, what I knew, and rising from his chair trembling very much and being hardly able to walk, he asked me to go to his room. He went to the bar and got his key, and we went to his room together. Then he asked me what I meant, and I then related to him what Mr. Delano had told me and what Mr. Williams and myself knew of his transactions. During the narration he became more and more agitated, and occasionally violent and furious, taking off his coat, vest, stock and collar, and sometimes lying upon the bed and uttering incoherent exclamations. He did not make much reply

to what I stated, though he admitted, in words that I cannot here recall, that he had drank a good deal, and that he did so in the house in Church street, though he affirmed he had never had any criminal intercourse with the inmates; that the mere memory of his wife alone would have prevented that; and when he said this he became almost frantic, and I was somewhat alarmed for my personal safety and his own, as he viewed me with furious looks and occasionally clenched his fists and gnashed his teeth. He kept almost constantly exclaiming, after this, that he was a reckless man, that he had been so for six months; that for a long time he had not cared what became of him—that he had been given up by God, and had known for a long time that there was no hope for him; and other remarks of a similar character which I am not able to recollect, owing to the great excitement in which I was at the time. After I had been with him an hour or more, he asked me where that bottle was? which was the first thing he had said of the kind; and upon my suspecting something and replying, *what bottle?* he seemed desirous of concealing it, or rather taking back what he had said about it; but I pressed him and finally induced him to promise to get it. He then commenced a search, and after looking in the drawers of the bureau and in all his pockets and his trunks, and apparently being much bewildered, he found a bottle in one of the trunks. During this time he came across a brilliant guard chain, and I presume the one mentioned by Delano; he seized it with violence, exclaiming, “take it away,” and threw it aside. After he had found the bottle he clutched it in his hand with a laugh of satisfaction, and again threw himself upon the bed, saying something which I could not distinctly hear, about “Death, sweet death.” I then tried to obtain it from him, but he would not give it to me, and began to talk of suicide, which confirmed my former suspicion, that it contained poison, and made me redouble my efforts to take it away from him. He resisted my entreaties and my efforts to wrench it from his hands, until I told him that I should send to the police or call assistance and bind him, if need be, unless he gave it up, and he shortly after did give it to me. It contained a large quantity of morphine—enough, I should suppose, to destroy several persons. I had, in the mean time, taken his razors and put them in my pocket. Soon after I had threatened him, and I do not remember now whether before or after he gave me the bottle, he rose from the bed very much excited, and went and stood before the looking-glass, with his fists clenched, his shirt sleeves rolled up, and the bosom open, and contemplated himself for some time, all the while making violent gestures and exclaiming, bind me! bind me! there is not a man in New-York who can bind me. He continued in this excited state for several hours,

during which time I found it necessary, in order to restrain him, to call in Judge Denio (who was fortunately lodging in the same house) and Mr. Cozzens, the keeper of the Hotel. His conversation was sometimes rational, and at other times disconnected and incoherent. Several times he asked us to let him out of the room, saying he was suffocating, and the room being small and very warm, we opened the door into the passage; this he entered several times and being in the same situation as to dress as when before the glass, he attracted the attention of the passers by, and the servants of the house, and we were compelled to force him into his room again. During most of the time I was endeavoring to calm and console him, but my efforts had very little if any influence, and he seemed almost overwhelmed with the heinousness of his offences, repeating that he was lost—that he was reckless—that he was going to hell, and was a doomed man. On one occasion, I remember, he said he wished to commit suicide when on his way to this city, and even thought of making an effort to leap overboard, but that he all the while hoped (if he did) the boat would stop and that he should be rescued. After about seven o'clock, I concluded to go to my house and ascertain whether the ladies would be willing to receive him for a few days while I could send to his friends, and on my telling him that I was about to leave him for an hour and would then return, he appeared much concerned, and asked me if I was going to desert him too, as every body else had? that he was deserted by God, and now his last earthly friend was about to leave him also. I immediately replied that I did not intend to leave him not to return, and repeated my assurance that I would soon come back. He did not seem satisfied with it, and I finally told him, that to convince him that I did not mean to leave him, if he would pack up his trunks and go with me I would take him to my own house. To this he objected at once, saying he was not worthy to go there, that it would be inflicting disgrace upon me, and he could not consent to go. My reply was, that this was a matter for me and not for him; and after urging him a good deal he finally consented to go. He had told me that afternoon that he intended to sail for Havre the next Tuesday, but he had obviously made very little preparations for the voyage; and I noticed in particular, that most of his linen was unwashed and that his trunks were in great disorder.

He remained at my house from Saturday evening until a week from the next Wednesday morning, when he was taken to the Lunatic Asylum at Hartford, by his brother and Mr. and Mrs. Williams, the latter of whom accompanied them because she had more influence with him than any one else. The first three or four days he was with me he ate very little, and kept his bed

the most of the time. I spent almost all the first Sabbath with him and talked with him a good deal, particularly with reference to his conduct here, and his difficulties at Utica. Of the latter he said, he had been pursued by the people of Utica like blood-hounds—that every body had turned against him—that they were all his enemies. Upon my remarking to him that he had a good many friends there, some of whom I named, he admitted it, and expressed his gratitude to them in glowing terms. In regard to his conduct here, he said he knew perfectly well what he was doing at the time he did it—that he knew Delano was Farwell's partner, and that he would be exposed—that he knew he was rushing upon destruction and disgrace, but he did not care—he was reckless—was a doomed man and was inevitably going to hell—there was no hope for him, &c. After church, in the morning, I found him with a bible and a prayer book on the bed; (they had been placed in his room;) the latter contained an engraving of Christ breaking bread at the last supper. Soon after I entered he opened it and pointing to the picture, said with tears in his eyes, "I have cursed Christ on the Cross—I did it and I am going to hell—I'm a doomed man—yes, I am," and so he continued in this strain for some time. I was unable to appease him, or convince him that there was any hope in his case, and on asking him why he thought he was given up by God, he said he knew it, and that his case was contained in Romans, 1 ch. 24 v. which he wanted me to read. On reading it I told him I thought there was still hope, and mentioned the adultery of David and murder of Uriah, as showing that even the greatest sinner in this respect could be forgiven, but I was unable to sooth him and eventually abandoned the subject. Neither of us again alluded to it; indeed I generally after this avoided speaking with him on these matters, as whenever they were mentioned he became much excited, and I feared aggravating his disease by mentioning them.

During the residue of the time he remained at my house, I did not see him oftener than once or twice a day, my professional engagements in the Court of Errors occupying most of my time. I saw enough of him, however, to know that as his strength declined, and the excitement under which he had been laboring lessened, his mind also gave way more and more, and that before he left me he was in a state of almost *mental imbecility*. On the first Monday morning he went out unknown to us, in his slippers, and was gone all day, returning of his own accord. Where he went we did not positively know: we concluded from the account he gave, which was very disconnected, that he had been over on Long Island, at Williamsburgh, and had passed the day without food. He tried several times after this to get away se-

cretly but we kept watch and prevented him. Once he actually got without the door, and ran off at full speed, but a man was sent after him and brought him back. When he went away the first time he left his trunks open, and a little bag containing several hundred dollars in money upon the table in his room. Indeed he seemed to take no thought for his clothing or his money. Once while he was gone all day, as already mentioned, I examined his clothing with Mr. J. A. Spencer of Utica, and found some small gold pieces and three or four gold finger rings in his pantaloons pockets. He conducted very strangely the last few days while taking food, devouring it hastily and as if fearful it would be taken away from him. He talked very little after he had been with me a day or two, and seemed unwilling to engage in conversation.

The opinion of Mr. and Mrs. Williams, and indeed of many if not all who saw him at my house was, that he was deranged. This is *also my opinion*. When it commenced or what causes produced it, I am not able to say. I send you the statement of his physician, Dr. Dering, and it will be seen that his opinion concurs with those already expressed.

The Rev. M. C. Searle, as counsel for the prosecution, proceeded in the further examination of Mr. Noyes.

Question.—Did Mr. Fowler appear to you to be deranged when you first called on him at the American Hotel?

Answer.—It did not occur to me at the time that he was, though from what subsequently occurred I am *satisfied he was deranged*.

Ques.—On the next day while at your house, did he or did he not converse rationally?

Ans.—A portion of the time he did, and at other times he did not. He had at times during the whole day, *violent paroxysms*, when I had great difficulty in restraining him, and his conversation was *incoherent*. Those paroxysms lasted from half to three quarters of an hour, and then he would seem quiet *from exhaustion*.

Ques.—When he returned from Williamsburgh, was there any appearance of intoxication?

Ans.—I was not at home when he returned, but came soon after I understood he had returned, and then he was not intoxicated. I never saw any thing like intoxication about him while he was at my house, or at the American. I held him at the Hotel and attempted to wrest the bottle of morphine from him, and was so near him, that *had he been drinking I should have discovered it*.

Cross Examined by Rev. Mr. Bogue.

Ques.—Have you any personal knowledge of any impropriety of conduct on the part of Mr. Fowler as related by Mr. Delano or Mr. Bottom?

Ans.—I have not, unless, so far as Mr. Fowler's admissions to me may be considered personal knowledge.

Ques.—Do you think Mr. Fowler's admissions, in view of his state of mind, should be employed against him as testimony?

[Objected to by Mr. Searle, and it is answered, subject to such objection.] Here Mr. Bogue objected to Document A being read before Presbytery, except so much as passed under Mr. Noyes's personal observation.

Answer to the above question.—I think they should form one item of testimony. But disconnected from other circumstances, showing his sanity at the time the conduct to which they refer took place, I should attach little or no importance to them.

Ques.—While you thought you perceived the smell of ardent spirits about the breath of Mr. Fowler, yet have you ever seen evidence to convince you that he ever was intoxicated, in the sense in which we use the term?

Ans.—I have never seen him intoxicated in any sense, and he was not intoxicated on that occasion.

Ques.—Will you give me your impression as to the use Mr. Fowler was about to make of the bottle of morphine?

[Objected to by Messrs. Spencer and Searle and ruled out by Presbytery.]

Ans.—I had an apprehension at the time he found it in his trunk, and indeed, the moment he alluded to it, that it had been obtained for the *purpose of self-destruction*, before he had asked for the morphine. I had also apprehended that he might *attempt to destroy himself* in some other way and I had *taken his razors* and put them in my pocket. The reason why I attempted to take the bottle from him, was that I feared he *might take it then*.

Ques.—Was this morphine prepared before you made any announcement to Mr. Fowler as to unfavorable reports in circulation respecting his character?

Ans.—I have *no doubt it was*. We went immediately to his room and he found the morphine in his trunk, after we had been there, not to exceed half an hour, and in the mean time, neither of us *had left the room*, nor had *any one else entered*.

Mr. Noyes desires to explain as to the statement made in the Document marked A, concerning the key of Mr. Fowler's room hanging in the bar—that the information of the fact was derived from Mr. Delano, who went in to examine at N.'s suggestion.

(Signed)

WM. CURTIS NOYES.

Read to witness and approved and subscribed this 27th day of June, 1842.

(Copy.)

Hiram Denio, Esq. called and sworn.—I was at New York about the first of June, 1841, at the time of Mr. Fowler's being taken from the American Hotel: saw him several times during

the week before he left the Hotel, and had conversation with him several times, three or four times. I saw nothing peculiar in his conduct or conversation until Saturday. I saw nothing previous to Saturday calculated to induce the suspicion that he was insane, nor can I now recall any thing which induces me to think he was insane. I was not very intimate with Mr. Fowler, had met him but a few times, but had conversation as to his health and his contemplated journey to Europe: on one occasion while we were sitting in one of the public rooms after dinner or breakfast, we had a more extended conversation upon his part, and principally upon his part, of a religious character, in which he spoke as I should suppose a Christian minister would do in reference to his domestic afflictions and to his own health—this was about the middle of the week or later. I saw him on Saturday morning. I met him in the hall as I was coming out from breakfast, and I noticed a *very marked change* in his countenance. It was such an appearance as I have known bilious persons to have who had been traveling, or out all night; his face was *dark*—his veins seemed to be *distended*, and his *eyes red*. I asked him what the matter was, and he said he had been more unwell; did not notice the appearance of any insanity about him. In the afternoon of Saturday I was sitting in the reading room; Mr. Noyes sent for me to Mr. Fowler's room, and before I went I met Mr. Noyes and we retired to the sitting room, and there had an interview on the subject of Mr. Fowler's then situation and prior conduct since he had been in New York. I then went with Mr. Noyes to Mr. Fowler's room, and remained there about three quarters of an hour, according to the best of my recollection.

Question by Mr. Spencer and objected to by Mr. Bogue.—Did you at the time, or on subsequent reflection upon the transactions by Mr. Fowler in the room, entertain the suspicion that his insanity was feigned and if so what were your reasons?

Answer.—I had some suspicion to that effect at the time, and the reasons were, that I had *never heard* that he had been *subject* to mental alienation before that. Mr. Noyes had stated to me some facts which would indicate that Mr. Fowler might have a motive for appearing insane, and after it had been concluded that he should go home with Mr. Noyes, he came down stairs and went into the office and transacted some business with the clerk, and took leave of me after getting into the carriage at the door, and in those several transactions, did not, in conversation or gestures, indicate any evidence of insanity. I did not then, nor have not since come to a settled opinion that he was feigning insanity. I have never had any experience with insane people to give me an opportunity to judge in a given case or in his case, between actual and feigned insanity.

Cross Examined.—He was obviously insane or was feigning insanity while I was in his room. Among other things, although nothing had been said about constraining his person, he raised his arms and looking very sternly said, you shan't bind me, I won't be bound, and repeated this several times. His general conduct was marked with great violence of manner, and his gesticulations were violent. My mind was not turned on Saturday morning to the question whether Mr. Fowler was insane or not.

Read and Approved.

Mr. Henry Dwight Williams being sworn says, that on or about the first of June, 1841, at the request of Mr. Noyes, he went to watch Mr. Fowler's movements. Witness was alone. Saw Mr. Delano in the course of the evening, but does not know that he (Delano) was engaged in the same business with him, to watch, but understood he (D.) had been previously, in the course of the evening. Saw Mr. Fowler go into a place called Nag's Head, in Barclay street, where he (witness) supposed they kept all kinds of drinks, but did not see him (F.) drink. Mr. Fowler probably did not stay there five minutes. When he came out, he (F.) returned to the steps of the American Hotel, where he probably remained about twenty minutes. He then walked up Broadway a short distance, and then returned again to the Hotel. Witness kept sight of him. After remaining at the Hotel the second time about twenty minutes, he then went down Broadway as far as Vesey street, then crossed over and went into the American Museum. As Mr. Fowler was going into the Museum witness met Mr. Delano, and in passing, Delano said, "that is Mr. Fowler," and that was all that witness saw of Delano that evening: this was about 8 o'clock in the evening. Witness went into the Museum, and Mr. Fowler and witness remained there until the Museum closed for the night—when Mr. Fowler went down Ann street to Nassau street, then up Nassau, and went into a small place where they have drinks to sell, and there saw him (Mr. F.) drink something colored, but could not tell what it was, probably wine, it was not high colored enough for brandy, and that was the only time witness ever saw Mr. Fowler drink in any grocery. Mr. Fowler did not remain there long: saw him come out soon, and return to the American at about 10 o'clock. He soon came out, and then witness lost sight of him.

Cross Examined.—A letter was here given to Mr. Williams by Mr. Bogue, bearing date June 18th, 1842, and signed by the witness, and which is marked Doc. D, which the witness submits as part of his cross examination; and to which the counsel for the prosecution objects.

[The letter is as follows, to wit:]

"To all whom it may concern.

"The undersigned certifies that on or about the first of June, 1841, he saw Mr. John W. Fowler, of Utica, in the city of New-York, and thought his manner singular. At the request of Mr. Noyes, I watched his movements one whole evening, and they were such as *to satisfy me that he was insane.*

"A few days after, Mr. Noyes brought him to his home, where he remained for nearly two weeks; during all of this time, I saw him every day, and was with him often, as he required close attention. I am *fully satisfied* that during this time, and up to the time I left him at Hartford, Conn., (at the Retreat) in care of Doct. Brigham, *he was insane.*

W. DWIGHT WILLIAMS."

New-York, June 18, 1842.

(Copy.)

Question, by Mr. Bogue.—Will you state further reasons for believing Mr. Fowler to have been insane?

Ans.—Referring to the evening on which I watched Mr. Fowler's movements, I noticed that whenever he was walking he would be continually *looking round*, as if some person was following him, and his looks indicated that he was *not sane*, and while walking, he seemed to have *no apparent object* in view, and would walk a short distance from the American and then back again. When he was at the Museum, the *same uneasy appearance* continued, and he did not apparently *seem to notice* what was going on, but kept looking about.

Ques. (Objected to.) Was Mr. Fowler's whole appearance and conduct that evening *unnatural, peculiar and indicative of insanity?*

Ans.—*It was.*

Ques.—Was all this conduct, of which we have been speaking, *previous* to Mr. Noyes' calling on Mr. Fowler at the American to make disclosures of his conduct?

Ans.—*It was.*

Ques.—Did Mr. Fowler know that you were watching him?

Ans.—Not to my knowledge, and I believe he did not.

Ques. by Mr. Fowler.—Had you previous to that time been acquainted with me?

Ans.—I had only seen Mr. Fowler once, at Utica, in 1836, in the pulpit, and again at Mr. Noyes' room, in the fall of 1840, at which time I was introduced to you.

Ques.—Did you at that time feel *any particular interest* in me, more than you would feel in any person under similar circumstances?

Ans.—*No sir.*

Ques. by Mr. Bogue.—Did you see Mr. Fowler after he was taken to Mr. Noyes'?

Ans.—Yes.

Ques.—Were your convictions of his insanity deepened until the time he left the city?

Ans.—They were.

Ques.—State briefly what Mr. Fowler said and did at Mr. Noyes', and on his way to Hartford, and when you left him?

Ans.—Mr. Noyes brought Mr. Fowler to his house on Saturday evening, and he (F.) kept his room—was there when I left, Monday morning, when I left to go to my business. I came home in the afternoon. Mrs. Williams told me that Mr. Fowler had been gone some hours and had gone out unknown to any of the family. And she requested that I would go and search for him. I went to the upper part of the city—supposed that he had gone to take a walk and supposed from his high state of excitement, he might have become exhausted. I went out and looked for him and spent two or three hours. I should think three hours, and returned without him. Mr. Fowler returned late in the evening. I did not see him until I went into his room the next morning to see if he wanted any thing, and found him there laboring under a *high state of excitement*. So much so, that Mr. Noyes and myself thought it best to call a physician, which we did. All the time he was in the house he required a great deal of attention and *close watching*, and when *alone*, would, when able, be pacing his room, talking to himself, and still keep up this manner of *looking around* as he did that evening, as if somebody was coming. And often when things were brought in to him, for his meals, he would say they were too good for him, he ought not to have them; and his *whole conversation* was such as would indicate a person who was *insane all the time*. During the first Sabbath, particularly, and several succeeding days, Mr. Fowler seemed to have *paroxysms of weeping*, and laying on the floor, and walking, and his language when I overheard him talking *to himself*, was incoherent and *wild*—when I saw him by looking through the key hole while he remained at Mr. Noyes', until he went to Hartford, his conversation was *incoherent*, his conduct *unnatural and strange*.

Ques. by Mr. Bogue.—The Monday when Mr. Fowler escaped, had you serious fears for his personal safety?

Ans.—Yes. I must say that I had.

Ques.—When you left him at Hartford, had you not serious fears that he was intellectually ruined?

Ans.—I thought it would be sometime before he would be entirely restored. When we, Mrs. Williams, myself and Mr. Fowler's brother, left New-York to go to Hartford, Mr. Fowler sup-

posed he was going to Petersham, in Mass. to his sister's. We arrived at Hartford about 2 o'clock, P. M., and after dinner took a carriage and rode up to the Insane Retreat with him, and looked around there and told Dr. Brigham we wished him to call down and see Mr. F. at the Hotel. When Mr. F. saw Dr. Brigham he was very much surprised, and said that he did not know why he should have a physician called, for he was going to see his sister. We told him we thought he ought to be under the charge of the Doctor at the Retreat, for he *was not himself*. Dr. Brigham told him that unless he had medical treatment in the early stages his disease *might become incurable*. Our intentions were disclosed to Mr. Fowler by Mrs. Williams in the morning, and soon after we went to the Retreat, and the Doctor took Mr. Fowler through the building and showed him the rooms and asked him how he would like to stay there a while, and what room he would like. I went back to the Hotel to get his baggage, which was taken up to the Retreat. Dr. B. had his baggage taken to a room which the Doctor selected for him. The Doctor then told Mr. Fowler that if he had any thing valuable—money, or any thing of that kind, he had better give it to his friends; to which he objected for some time. Finally, I persuaded him to let me have his money and put it into the bank; which I did, and brought him a bank book and gave it to him; and then he wanted to know what had been done with his money, for it was a good deal short. I told him we had paid for his board and medical treatment three months in advance, which the rules of the institution required. He said he did not know why he should be put in a mad-house—a man sick with the consumption put in a mad-house and have this man (pointing to one whom the Doctor had appointed to watch and wait on him) follow me round and watching me. I'll knock him down if he comes about me. And he appeared very much excited, and it was some time before we could get him quiet. The Doctor said to me after we left the room that this transaction was the strongest evidence that he had seen of Mr. Fowler's insanity. We then left him.

Objected to by Mr. Searle.

Ques. by Mr. Bogue.—Was Mr. Fowler unwilling to be left there?

Ans.—Very unwilling and begged to come away.

Ques.—Was Mr. Fowler's attention to money matters like that of a sane man or like that of a maniac?

Ans.—Not like a sane man, but *like a maniac*.

Ques. by Rev. Mr. Searle.—Did you see Mr. Fowler after you left him at the Retreat?

Ans.—Yes. He came down to the cars—much to our surprise—in company with attendants, to bid us good-bye.

Ques.—Did he appear natural in his address?

Ans.—He appeared more *like a child* than any thing else.

Read and approved.

(Copy.)

REBUTTING TESTIMONY.

William Tracy, Esq. called and sworn. I dined at Mr. Noyes' in the city of New-York, in company with Rev. Mr. Fowler, on or about the 31st of May, 1841. I arrived at Mr. Noyes' at about half past three o'clock—was there about one hour and a half. Mr. Fowler left in an omnibus, and when I arrived at the American Hotel I met Mr. Fowler at the steps and conversed about ten minutes, and that was the last I saw him that day. The next morning I saw him at the door of the American a little before 9 o'clock and walked with him to Wall street, to Mr. Noyes' office. I was conversing with him as we walked. We went into the office and inquired for letters. Was there some time together and about 10 o'clock we went together to the City Hall, and I think I showed him into the Circuit Court Room where Mr. Noyes was engaged, and I went into the Chancery Court. I saw Mr. Fowler almost every day for a fortnight before he left Utica, and at this time I saw nothing in his health different from what it had been for some time before he left here; for the fortnight previous noticed nothing peculiar as to his sanity. He had been in the habit of talking very freely with me. The conversation was very much such as I had had with him for a fortnight previous. In none of these conversations did I notice any appearance of delirium. I supposed him to be as I ever knew him, and upon reflecting upon his conversation that afternoon, at Mr. Noyes', I cannot recall any thing that would indicate an unsound mind. Mr. Fowler manifested some feeling in parting with his charge, and he was neither in high spirits nor desponding at that time. Was affected, as a man leaving his country in delicate health naturally would be, though under the expectation of returning with improved health. I was in Utica when Mr. Fowler returned from New-York, about the middle of May, preceding the time above specified. Immediately on his return he seemed to be in very feeble health, and he wished me to go home with him on Sabbath noon, and told me his plans. He disclosed a variety of unpleasant domestic affairs. He found that during his absence a great head had been made against him in the congregation with murmurs and some little scandals, which, he alleged, had impro-

perly risen, and he inquired what he should do? His purpose was to have asked a dismissal with a view to go abroad. He found that a great many had set against him, in his absence, a current which he had not anticipated; such, as I thought, if he had left, being still pastor of the Church, would have increased and ruined him. I was not aware of the full extent of the opposition to Mr. Fowler and of the scandals, until he mentioned them. After I became acquainted with them, I made them the foundation of advising him to pursue the course which he ultimately did do. The Session and Society passed resolutions approving his ministerial character and conduct. At the time of his leaving Utica, I had never heard of any improper or indelicate conduct on his part towards any woman, and I do not think there were then any public charges in this respect; nor had I ever heard that he had been expelled from the Seminary in Virginia at all, and I do not think there were any public charges against him on account of his leaving the Seminary. Had these charges existed or been known, of course the Society would not have passed these resolutions unless they had been satisfactorily explained. When he told me of those rumors which he first alluded to, he seemed to feel grieved and was somewhat excited and felt as every man (objected to by Mr. Bogue) ought to feel under such circumstances. I should think Mr. Fowler was absent once or twice a year at New-York or through New-York.

Cross Examined.—My impression is, that take it altogether, Mr. Fowler and myself were about an hour or more together in New-York on Tuesday morning. I think I was not in the way of hearing rumors against Mr. Fowler, as it was known that I was a pretty warm friend of his, and unless a person had a pretty strong charge against him they would not be very likely to come to me with it. I think I have not had much intercourse with insane persons, and my impression is that if there had been any insanity about Mr. Fowler at the time I should have noticed it. I speak this without much skill, merely from an opinion. I understood him to have come home with the intention of asking a dismissal before hearing of these rumors, and solely upon the ground of the state of his health. The meeting the rumors was what made him hesitate and solicit my advice. The explanation which he gave was perfectly satisfactory to myself. I repeated his explanation to a good many persons, and made myself busy in meeting these scandals and putting them down by means of his explanations. I believe the Society generally passed those resolutions in perfect good faith. It was a pretty full meeting.

Read and approved.

Mr. Fowler admits that he has visited the Museum in this city on the occasion of the exhibition of the Giant.

Doct. T. Pomeroy called and sworn.—I am a practising physician here. The day on which Mr. Fowler asked his dismissal from the church, he wished Mr. Dana and myself to go into some place, as he had something which he wished to say to us. We went into Mr. Tracy's office. Mr. Fowler read us two letters purporting to be from agents of the Moral Reform Society, as I suppose. The names of the writers I do not recollect. So far as my recollection serves me, the statements of the letter, one or both, were that Miss Phebe Fowler had obtained subscriptions for a Moral Reform paper. My impression is, the number was mentioned. It was stated that she had received the money and had not paid it over. It strikes me that the amount was considerable. Something like \$70 or \$80. I cannot state distinctly about any request being made for Mr. Fowler to pay the amount. The impression I got from Mr. Fowler was, that he would be called upon, or had been called upon, to pay;—but don't recollect that he said he had paid it;—but should think he did not say he had paid it. So far as my recollection serves me, the particular points on which he wanted to communicate with us were,—as appeared from the conversation and the reading of the letters about his sister,—her treatment of him and her being a defaulter to the Moral Reform Society. Complained of the ungrateful manner in which she had requited him for his kindness, and that it was to justify himself against some things which she had said about him in town and elsewhere. I think he stated that his sister had told the agent that Mr. Fowler was indebted to her about \$50.

[Objected to by Defendent, on account of irrelevancy.]

Witness was generally Mr. Fowler's physician while he resided in Utica. Mr. Fowler was subject to bilious attacks about every *four* or *six* months. Generally came on suddenly and attended with violent symptoms. My impression was, that Mr. Fowler was pretty healthy and indulged in free living, and from having a good appetite there was an accumulation of blood in the system, and when the system was pretty plethoric a little exposure from fatigue or cold, produced these turns. They were characterized by severe pain in the head and chills and fever. I was in the habit of attributing them to an accumulation of bile and plethora; and often, if not generally, in those turns, his *mind* was a *good deal affected for hours*; so that he was *quite flighy*; saying many things, and showing *evidently* that he *did not know what he said*. Sometimes, I should think, these turns of which I speak, would last through the night. I have no recollection of their continuing longer than a night or so. Generally after a thorough operation of medicine or bleeding, and sometimes of both, he would be relieved. I was generally in the habit of attributing these turns to his bilious and plethoric state. The use

of stimulus would tend to aggravate those symptoms, by increasing the velocity of the circulation of the blood and inflaming the system.

I have known these sick turns to continue three or four days, generally, before he would be about again. His sickness would not produce a great degree of debility; generally a paleness succeeded; there would be a contrast in his appearance; his countenance would be much paler than it was before; previous to the attacks the countenance would exhibit a full, plethoric state and appearance; pretty soon after the attack this *derangement would show itself*. By attack, I mean a transition from health to sickness. Would complain of *violent pain in the head*; the symptoms named before. I understand what Doct. Rush intends by the disease called *Tristi Mania*. Witness says that tristi mania is produced by bodily disease. The symptoms preceding the attack to which Mr. Fowler was subject, would not be such as to produce hypochondriasis according to the modern idea, or even Doct. Rush's idea. The mental effects of the complaint called tristi mania, can be more easily counterfeited than any other species of derangement. This complaint may be considered the commencement of the mania. Under this complaint a person might show some slight degree of mental alienation—not very observable at first. An evidence of this complaint—a person might imagine he had some disease when he had not, and could not be convinced to the contrary. Optical delusions, witness thinks, are not characteristic of tristi mania. So far as I have observed, they would more particularly be classed as the symptoms of that species of mania called delirium tremens. Don't think tristi mania is a disease which comes suddenly on a person—for it must be the effect of a long continued state of disease of the body. Witness, some time ago, read the statement of Mr. Noyes, marked A, and so far as he recollects the statements made, relative to the interview with Mr. Fowler at the American Hotel, the symptoms do not appear to be such as I should expect would result from tristi mania. Under circumstances a person may be deranged suddenly without any warning. Witness does not wish to give any opinion as to whether Mr. Fowler was deranged or not. Tristi mania is a disease that relates to some delusive views of a person in relation to himself; the mental error consists in such delusion, while he will ordinarily be sane upon most other subjects.

Cross Examined.—When attacked with these turns Mr. Fowler would be generally *able to walk about*—would be up and down. In the expression about free living, I only meant *in eating*; it was generally supposed Mr. Fowler loved a good dinner, and I do not mean to attach any *impropriety* of conduct in a moral-

sense in Mr. Fowler's eating. During a year or two before Mr. Fowler was dismissed, I had no reason then to doubt but what he was in ill health ; but I cannot say but that I had some little reason to doubt for two or three months before he went away, whether he did not imagine some of his ills to be worse than they were, but I do not mean to say that he meant to deceive any body. In the spring of 1841, about a month before Mr. Fowler went to New York, I saw him in one of his attacks at his room, at Mrs. Williams's. When called to see Mr. Fowler, found him *unusually flighty* ; talked more wildly than usual in those attacks ; do not recollect that there was any more bilious symptoms than usual in those attacks. Might have been less bilious, but don't recollect it. At that time, I never had any suspicions from his appearance or symptoms that those turns were the result of stimulus, either spirits or opium. I never had any suspicions of intemperance in Mr. Fowler up to the time of his leaving Utica, either in spirits or opium, or of his using them improperly, and have no personal knowledge of his using any since he left Utica. I did not generally see him immediately before those attacks. Cannot recollect any instance when he had any optical delusions ; do not think optical delusions would often occur when there is no delirium tremens.

Question by Mr. Fowler.—Do not persons who have no delirium tremens frequently imagine persons to be with them who are not with them, and persons who are with them to be other persons.

Answer.—Yes.

Witness thinks that the plethora is sometimes caused by liberal living. Witness says he never had an impression that the turns which Mr. F. had were tristi mania, it was *derangement from excitement of the brain*.

Ques.—Is tristi mania *real derangement*.

Ans.—Yes.

Witness read Mr. Noyes's statement about a year since ; thinks he remembers the substance of it—the facts generally but not all. Would not say but what it is possible for a person to have tristi mania and exhibit those symptoms as described by Mr. Noyes ; but it would not be probable. It would be contrary to the definition of tristi mania to suppose a person to be partially deranged upon most subjects, under the influence of that disease. Witness would not say that Mr. Fowler had, or had not, the tristi mania in New York : the circumstances so far as witness knows them, do not accord with that disease.

Question by Mr. Bogue.—In the testimony you have given, you do not mean to give an opinion that Mr. Fowler was not deranged in the city of New York, do you ?

Ans.—I have expressly said that I did not wish to give an opinion on that subject, *not having seen him while there.*

Plethora is not caused by excess of bile; bilious habits would be the effect and not the cause of plethora: plethora is often constitutional in individuals. In the case of Mr. Fowler, witness thinks his attacks partook of a *constitutional nature.* Witness had the impression that those attacks were hastened by liberal indulgence in food. So far as witness knew, Mr. Fowler did not indulge in high living *at home while he kept house,* and that such attacks were the result of irregularity in good living, instead of uniformity in good living. Read and Approved.

Taken at Utica, July 26, 1842, by commission.

T. Pomeroy's 2d Examination, Monday, August 1, 1842.

The commission met at the committee room according to adjournment. Opened with prayer. Dr. T. Pomeroy called.

Question by counsel for prosecution.—Would one who is reckless and insane on the subjects of drinking ardent spirits and venereal gratifications, be overwhelmed with remorse and self-condemnation, about the commission of them, while he remained insane?

Answer.—So far as my knowledge extends practically, and theoretically, I should answer negatively.

Ques.—If one truly insane wishes to commit suicide, will he at the same time wish to escape death from the act by which he purposes to commit the suicide?

Ans.—Insane people act consistently in what they undertake; they carry through certain plans which they adopt. I should answer the question in the negative.

Ques.—Do deranged persons who purpose suicide, proclaim or conceal their intentions, when they know there are persons present, determined and able to prevent it?

Ans.—I should say they pretty uniformly conceal their intentions—are pretty sly. It is not reasonable to suppose that one who is partially insane would let his purpose be known.

Ques.—Is a person laboring under *tristi mania*, pertinacious and obstinate in believing in the truth of the things about which he is in error?

Ans.—It is difficult to convince him to the contrary. Admitted that the witness's recollection of Mr. Noyes's statement, of the circumstances occurring between him and Mr. Fowler at the American Hotel, in New York, as given in Doc. A, is substantially correct.

[The statement of Rosa Riley was here read to the witness.]

Ques.—Can this conduct be accounted for, supposing it to have occurred as stated, by Mr. Fowler's being in one of his flights described by witness heretofore?

Ans.—Yes. Such conduct would correspond with what I have seen him do in his deranged turns.

Ques.—Can this conduct also be accounted for by his being under the influence of stimulus?

Ans.—No, not necessarily. Stimulus might have an agency in producing plethora, and those flighty turns. Stimulus might have its effect in producing such results provided he used it.

Ques.—Why did you suppose that Mr. Fowler assumed to be more unwell than he really was, during the last two months previous to his leaving Utica?

Ans.—In my intercourse with him as his physician, he was not always willing to follow my advice. He wished to delay certain treatment I recommended, by saying that if he was not better soon, he would do so and so. When I advised to be bled, or leeches, or blistered, he did not then appear to be ready and willing to resort to those means.

Ques.—Had Mr. Fowler been averse when sick at other times to follow your prescriptions?

Ans.—He never declined before, that I recollect.

Witness is an elder of the First Church in Utica, of which Mr. Fowler was pastor. Mr. Fowler sent in his resignation as pastor to the session about the middle of May, 1841. Mr. Fowler had been absent for some time previous to this, at New York, as witness understood. I think there was a committee appointed by the session to give the advice of the session to Mr. Fowler, previous to his sending in his resignation. I do not recollect the session having any conference with Mr. Fowler previous to this time, upon the subject of his leaving the church.

Cross Examined by Mr. Fowler.—Did you cup, bleed, and blister me a very short time before I left Utica?

Ans.—I did.

Question by Mr. Bogue.—Why did you do that?

Ans.—Because I thought it necessary. I had often advised it long before he consented.

Ques.—Did you consider him so sick a man at this time that such treatment as this was indispensable to his best good?

Ans.—I did.

Ques.—What was his sickness at the time of which we speak?

Ans.—A chronic inflammation of the lungs: there was a cough, and pain in the chest and side; don't recollect that I thought his liver affected. Mr. Fowler had no deranged turns under this complaint. It is my impression that he had his last flights before *this* complaint or attack (chronic inflammation of the lungs) came on. I should think that it was sometime in the winter that he had his last attack; during those bilious attacks he had flighty turns, I mean that he was *deranged*, and did not know what he

did. In answer to a question by Mr. Ogden. I did not mean to say that Mr. Fowler appeared to be more unwell than he really was. The request of Mr. Fowler for a dismissal was previous to our having heard of the affairs of which Noyes and Delano testifies. These deranged turns were temporary, and seldom continued over twelve hours. It is a characteristic of some species of insanity that the person has an *indomitable thirst* for ardent spirits, but it is not the general effect, so far as my experience goes. Vene-
real desires are not as frequent as desire for ardent spirits. When an insane person has been gratifying his desire for liquor, if vene-
real desire existed before, it would be increased by drinking, but if it did not exist before, in general I do not think drinking would produce it. Insane men frequently *have a consciousness* of what they have been doing, both *during* their insanity, and *after* their recovery. A person is not sensible of his insanity at the time.

Ques.—In considering the acts they have committed in insanity, do their minds necessarily revert to the fact of their insanity?

Ans.—I am not *sufficiently conversant* with insane persons to answer that question.

Ques.—Might not a person in looking back upon acts committed during insanity, feel remorse in view of them?

Ans.—I do not think the question can be answered in the shape it is now in.

Ques.—May not an insane person appear to *exercise deep contrition* for what he has done *while he is still insane*?

Ans.—He *may* appear to.

Ques.—Do you consider your insane patients *responsible* for what they do?

Ans.—No.

Ques.—Suppose Mr. Fowler had done nothing for himself, and nothing had been done for him, when he had those bilious attacks to which he was subject, what would have been the consequences to him, physically and mentally?

Ans.—It is impossible for me to tell what would have been the result.

Ques.—Did you consider it important that he should have medical treatment when he had those attacks?

Ans.—I did.

Ques.—Might not those deranged turns have lasted longer than twelve hours?

Ans.—I cannot say but that they might have lasted longer, if he had not had medical treatment.

Ques.—Is it your opinion that his deranged turns would have lasted longer if he had had no medical assistance?

Ans.—They *probably would*.

Direct Examination Resumed.—In order to feel remorse a

person must realize that he was a moral agent. As long as a person remains insane he cannot feel remorse for acts committed as an insane person. I intend to be understood, insane persons are not responsible for acts committed, on those subjects on which they are insane. They may be sane and responsible upon other subjects.

Question by Mr. Spencer.—In tristi mania does the derangement relate to matters of opinion and concerning the intellect, or does it extend to the appetites and passions?

Ans.—It is confined to the intellect.

Ques.—Is not a patient in tristi mania, in cases where the error is in relation to matters of opinion, on subjects distressing to himself, a free agent in respect to the calls of the appetites for ardent spirits and the venereal desires?

Ans.—He would be.

Cross Examined by Mr. Bogue.—When Mr. Fowler had his flighty or deranged turns, was he a monomaniac, or was he a subject of general derangement?

Ans.—He was a subject of *general derangement*.

Read and Approved.

Dr. Pomeroy recalled.

Witness thinks from the circumstances of Mr. Edward Vernon leaving Mr. Fowler's church, that Mr. F. considered Mr. Vernon was dissatisfied with him.

In answer to a question by Mr. Fowler.—This conclusion was not received from any thing that I ever heard Mr. Fowler say, or heard of his saying. During Mr. Fowler's residence in Utica, I occasionally met him at small dinner and other parties. Mr. Fowler was not in the habit of attending large parties. On those occasions when wine was used, Mr. Fowler was in the habit of using wine with others, and as others.

In answer to a question by Mr. Fowler.—Mr. Fowler has dined at my house with other friends and been there at small parties, in the evening, several times. We had wine, probably, on those occasions. I cannot bring up *any instance* when he drank wine at my house, but I have no doubt he did drink with others. I once saw him drink wine at Mr. Williams' at dinner. I do not think of *any other*. Cannot recall any particular case.

Read and approved.

Taken in Utica, August 1 and 2, 1842.

[There is a portion of Doct. Pomeroy's testimony that was objected to, as irrelevant, but received by Presbytery. It is that portion that relates to the *dismissal* of Mr. Fowler from his

pastoral charge, in which dismission Doct. Pomeroy took an active and decided part *against* Mr. Fowler.]

I certify that since my leaving the First Church, in Utica, in 1838, Mr. John W. Fowler has regarded me as inimical to him. I derive the opinion from his general conduct towards me and from general report.

E. VERNON.

Utica, 2d August, 1842.

Here closed the testimony *against* the Accused, or on the part of the Prosecution.

TESTIMONY ON THE PART OF THE DEFENCE,

Offered to show the insanity of the accused in the city of New-York. This testimony commences with statements of certain witnesses, offered to show, in corroboration of Doct. Pomeroy's, Mr. Fowler's constitutional proneness to derangement, and the actual state of his health, both of body and mind, for some time before he left Utica.

The following is a letter to the Rev. D. L. Ogden, volunteered by the author, when he heard the case of Mr. Fowler was going to be *prematurely* and *strenuously* urged to trial, while the accused was too unwell and altogether unprepared for a defence :

UTICA, March 23d, 1842.

My dear Sir—Understanding that the Rev. Mr. Fowler is to be tried for misconduct, before the Oneida Presbytery, to be convened this morning, in our city; and knowing as I do, the fact of that Reverend gentleman having exhibited to *my certain knowledge*, proofs of *insanity*, before he left his congregation to travel for the benefit of his health, I feel in duty bound to inquire of you whether he will be here to defend himself, or whether any one will do so for him in his absence?

I think, in justice to him, some one here should appear on his behalf, and make known to that body the fact thus stated, in order that no injury or injustice may be done that *afflicted* and *unfortunate* man. Pardon me, my dear sir, for thus obtruding this matter upon your consideration, and believe me to be very truly and sincerely.

(Copy.)

JOHN McCALL.

Certificate of the same witness.

UTICA, June 21, 1842.

I hereby certify that I have been acquainted with the Rev. Mr.

Fowler for the last four or five years. And that during three years of that time I attended his wife frequently, and for many months, daily, during her long and severe illness. And that in my opinion, he had manifested at times, some indications of insanity, *some months* before he became an inmate of the Hartford Retreat.

I had often prescribed for him, and had told him I feared his *brain would become diseased*, so as to impair his mental manifestations.

(Copy.)

JOHN McCALL, M. D.

Testimony on the stand.

Doctor John McCall called and sworn.—I am a physician, of the city of Utica. Have read most of Noyes' statements marked Doct. A, and Mr. Delano's testimony, taken in this case.

Ques. by Mr. Fowler.—From those statements, and from your knowledge of the facts in my case, what is your opinion, as a professional man, of my sanity in the conduct in New-York, referred to in those statements?

My answer to the question, is, that from my knowledge of the *state of Mr. Fowler's health for some time previous to his leaving for New-York*, where the scene of those transactions was laid, together with the *character of the transactions themselves*, I have no doubt of Mr. Fowler's insanity. I have no doubt he was insane at the *time of committing those transactions*.

This question and answer were objected to by Mr. Spencer, and ruled out by the moderator.

Cross Examined.—In forming this opinion I did not forget that Mr. Fowler is a minister of the Gospel, and had been a Clergyman of the First Presbyterian Church in this city, in good and regular standing. Mr. Fowler has been in the habit of using tobacco for a number of years, sometimes pretty freely.

In answer to a question by Mr. Fowler.—The fact of his being a minister in high standing did not influence me at all in making up my opinion as to his insanity. I should have formed the same opinion if he had been a *lawyer*, a *farmer* or a *blacksmith*.

In answer to a question by Mr. Spencer.—I can say that I *scarcely ever* saw Mr. F. drink wine. I think I may have seen him drink a glass of wine at the *marriage of his sister-in-law*. Have been with him but seldom at large parties, but have met with him *frequently* at small parties.

Ques. by Mr. Fowler.—At these small parties to which I referred they *generally had wine*.

Read and approved.

(Copy.)

Mrs. Jemima Williams, being sworn, says, Mr. Fowler boarded with witness during the winter and spring of 1841. I saw Mr. F. just before he went to New-York, in my opinion a *very deranged person*. I observed to my family, that I thought he was in a *very dangerous situation*. I felt alarmed about him. The severity of this turn subsided the next day. I first noticed it in the afternoon of the previous day. I supposed Mr. Fowler so deranged a man that his derangement would not be called in question. I think this was a *short time previous* to Mr. Fowler's leaving Utica with his mother. I think there were preparations for his leaving, such as *packing up, &c.* This was before he was dismissed. Mr. Fowler took a heavy cold in the winter when abroad, and complained of pain in the side, &c. His general health appeared to be bad, and continued to get worse until he left the house. During the first year and a half that Mr. F. boarded with me, I knew that it was said he was *deranged*. People were *not permitted to go to his room* during his illness.

Cross Examined.—Doct. Pomeroy came on these occasions, whether as Mr. F.'s physician or not I do not know. I presume I went to see Mr. F. as soon as I heard of his derangement, but I do not certainly know. After Mr. F. left with his mother, he returned and remained at my house until he left Utica. Was absent with his mother about two weeks.

Read to witness and approved.

The foregoing deposition was taken at Utica, August 1st, 1842, by the Commission.

Doct. Daniel James called and sworn.—Resides in Utica ; is a physician ; was a practitioner in the city of Albany about a dozen years. For three or four weeks *immediately preceding* Mr. Fowler's leaving Utica for the last time in May, 1841, I saw him several times professionally. I was requested to see him on account of Dr. Pomeroy's being absent. The first time I saw him was at his boarding house ; he was under strong apprehension of consumption. I was of the contrary opinion entirely, and told him so. Mr. Fowler's general health at that time was bad. His nervous system was in a very high state of excitement such as would *almost induce me to lay my hand upon him to prevent his going into spasms*. His mind was in a state of *great and painful agitation*. I prescribed for him, and he agreed, but neglected to take the medicine ; and I stated to others that I was sorry I had been called ; I could do him no good ; his disease was a high state of mental and nervous excitement. I stated to several individuals that unless these causes were removed *derangement* would be likely to follow, and that medicine would do no good. I was *never more apprehensive of derangement in any case than in Mr. Fowler's*. I have been conversant with cases of de-

rangement. I saw Mr. F. professionally in May, a day or two before he left *Utica*. I then thought him worse than I had seen him before. I was not the least surprised when I heard he was deranged. I am a member of Doct. Sprague's Church.

Cross Examined.—Has not kept an office since 1823, but has not been out of the practice. Thought Mr. F. entirely mistaken as to the nature of his disease. Considered his disease something more than what is commonly called *hypo*, or mere depression of spirits. There was evident local disease; the local pain in the side I considered rheumatic. The local disease *did not* produce the affection of the mind. Made full and close inquiries as to his diet and mode of living. My visits were made in the fore part of the evening. I thought his reasons for not taking the medicine were not substantial. He excused himself by saying he had to do this and do that, and had not time. His mental excitement was *general*. Supposed his mental excitement to have arisen in a great measure from the conduct of his sister. Never attended Mr. F. as a physician previous to this time.

Direct, resumed.—Had no suspicion that Mr. F.'s excitement was produced by stimulants. Thinks it such as would not have been produced by stimulants.

Read to witness and approved.

Miss Urania E. Sheldon called and sworn.—Has been for several years past, and, am still the principal of the Female Seminary in *Utica*. Mr. Fowler was here at the Seminary an evening or two before he left *Utica* finally, in the spring of 1841, after he was dismissed. He was here perhaps three hours. Doct. Jaunes was here part of the evening and was conversing with Mr. Fowler about his health. Mr. Fowler's general appearance was that of a person under great mental excitement, melancholy, and part of the time, was that of a person, according to my impression, then, as well as now, bordering on insanity. The subject of his conversation part of the time was about his wife's death, and his remarks about it were unusual and struck me as very strange. I had often heard him converse about her, but not in the way he then did. It was in reference to his loss altogether. During the conversation, Mr. F.'s whole appearance became suddenly changed; his countenance turned deathly pale, and his whole appearance was—I will not say that of a maniac—but as near to it as that of any person I ever saw, which I remarked to him at the time. His reply was, that he had feared insanity and did still fear; and what, said he, would become of me if I should become a maniac? This paleness continued only ten or fifteen minutes. I gave him camphor and water. The nervous excitement continued while I saw him during the rest

of the evening. Mr. Fowler had been here very frequently, nearly every day for nearly a fortnight before he left Utica. I had observed and spoken of his *nervous excitability* often, and my family often spoke of it to me. The evening referred to, I for a few minutes feared *immediate insanity*. During the fortnight before he left, his general appearance was that of a person laboring under great mental excitement and melancholy at times. His conduct was at times *unnatural*. I mean by that, *wild*. I had never heard Doct. James say that Mr. Fowler was insane, but he said that Mr. Fowler was in a wretched state of mind and body, and should not be surprised if he should become deranged. When I heard of Mr. Fowler's conduct in New-York, I immediately said that he was deranged; and that conviction was founded upon his *previous conduct*, which I had witnessed.

Cross Examined.—At the time Mr. Fowler left I had heard of the difficulties with his sister. I do not think his conduct was exceptionable as a minister of the Gospel. I meant by conduct, his excitement.

In answer to a question by Mr. Fowler.—When I spoke of Mr. F.'s having been at my house frequently for a fortnight previous to the evening mentioned, I meant that I had observed the *same general nervous excitement* which I saw that evening, though not to that extent.

Read and approved.

The following was offered to be taken before the commission in New-York, but for want of time, it was agreed by them and the parties, that it should be received as testimony, subject to the objection before Presbytery, that the witness, Mrs. Riley, was probably a Roman Catholic. It was thus received on the trial.

To all whom it may concern.

This is to certify that I, George Dutton, Jr., on the 28th day of May, 1842, at the request of Rev. John W. Fowler, called in company with him, upon a Mrs. Riley, with whom the substance of the following conversation took place.

Questions by me and answers to the same.

Ques.—Mrs. Riley, did you ever live at the American Hotel?

Ans.—Yes.

Ques.—Was you there about a year since? or about the first of May, 1841?

Ans.—I was.

Ques.—While living there, do you remember to have seen this gentleman? (referring to Mr. Fowler.)

Ans.—Yes, very well: he stopped at the Hotel and roomed in the story where I worked.

Ques.—Well. Tell me what he did or said in your presence.

Ans.—I cannot remember the words that he said, only this, that he asked me if I knew what he was? I said no; only I supposed him a gentleman. He said he was a priest—a Catholic priest, and he seemed in great distress, during the whole day. He acted like a person *beside himself*, very *strangely*. He went out of his room frequently with his *coat off*, and attempted to enter other rooms, and once I prevailed upon him to go back. He did not *seem to know* what he was about, and talked about this and that *very strangely*.

Ques.—Did he say or do any thing indecorous, that is, unbecoming a gentleman or a minister?

Ans.—No. He never said or did any thing the least insulting or improper.

Ques.—What day of the week was it?

Ans.—It was on Sunday, but I do not remember the day of the month.

Ques.—Did you see him drink any liquor?

Ans.—I did not: nor was there any liquor in the room.

New-York, May 28, 1842.

GEO. DUTTON, Jr.

I hereby certify that the above is a correct statement of the questions put to, and the answers given by, me.

(Copy.)

ROSA (her mark) RILEY.

Certificate of Mrs. Martha N. Williams, the sister of Mr. Noyes, who took the care of Mr. Fowler while at Mr. Noyes' house.

This is to certify that on or about the last of May, or first of June, 1841, Mr. Fowler dined at Mr. Noyes', a few days previous to his being brought there by Mr. Noyes in a deranged state of mind; at the time his *whole manner* struck me as *peculiar*: so much so, that I remarked it then; but being very slightly acquainted with him, I thought it might be his *usual appearance*. I saw Mr. Fowler once after this in a shop in Broadway, but saw no more of him until he was brought to the house. As long as he remained I watched him very narrowly, and often *when he could have no knowledge* of his movements being closely scanned. I was with him often at *all times of the day*—was compelled to be—as the responsibility of keeping him from leaving the house rested upon me during the day, the gentlemen being absent attending to their business. I also accompanied him with his brother and Mr. Williams to Hartford, and I have not, as far as I am capable of judging in such things, had *any reason to doubt* Mr. Fowler's being a *very insane man*.

MARTHA N. WILLIAMS.

New-York, June 18, 1842.

(Copy.)

Mrs. Martha N. Williams being called and sworn. Doc. E, which is the foregoing certificate, was presented to her by Mr. Bogue, and acknowledged to be her letter, and by her was submitted as a part of her testimony.

Question.—Where did you first see Mr. Fowler?

Answer.—I saw him first at my brother's in Utica, in the fall of 1836, but was not introduced to him.

Ques.—Where, and when were you first introduced to Mr. Fowler?

Ans.—In this city at Mr. Noyes's, in May, 1841.

Ques.—What was his appearance at this time?

Ans.—I thought his appearance singular, he had an unquiet manner, and altogether it struck me singularly, and I asked my sister, who was well acquainted with Mr. F., and a member of his church, if he always had that appearance, and she said no. He left us, and I did not see him again until about two days, at a glove and stock store in Broadway. I went up to speak to him, and he did not know me until I said Mrs. Williams. He *looked strange*, and kept his hand to his face, and appeared in some degree *as he did when he came to the house insane*. He had a *vacant stare*.

Ques.—Did all this which you have related, transpire previous to Mr. Fowler's being brought to Mr. Noyes's on Saturday evening?

Ans.—It did. I think it was about three days previous.

Ques.—Had you any particular interest in Mr. Fowler previous to his being brought to Mr. Noyes's, more than you would have in any other stranger in distress?

Ans.—I had not. From all that I had been told before he came to the house, I was rather disposed to feel unfavorably towards him.

Ques.—Did you take care of Mr. Fowler after he was brought to your brother's?

Ans.—I did not see him until Monday evening, for he would not see any one except my brother. I saw him on Monday evening when he returned from wandering during the day; but when I spoke to him he did not know me until I mentioned my name again; put his hand to his forehead as if he was trying to remember. Then I asked him if he would allow me to do any thing for him, as he appeared much exhausted, and came near fainting, when he threw himself upon the bed. I then got some camphor for him. He then began to talk incoherently, and said that when he went away in the morning he thought he would go off and get away from himself, but thought my brother would be concerned about him. For three days after, until he was reduced under the treatment of Dr. Dering, he had *paroxysms* of what I

call *raving*. During all those paroxysms, his mind seemed to be upon one point—"That his enemies were after him, and they had hunted him down like bloodhounds; and now they have got me here, and I am going to the grave as fast as possible." And also at those times, thought his room full of people, and called them his enemies, and he would scream to me in the room to keep them off. I had a great curiosity to know who they were; whether he imagined they were people or spirits. And I asked Mr. Fowler who was in the room, as there were none in the room with him except myself. He said his enemies, and mentioned one name, Mr. Vernon, and I turned directly and left the room. He was then confined to his bed one or two days: and after that he wished to go out to walk; but the Dr. requested that he should not go, and left word one morning that he (Dr.) would take Mr. F. out to ride as he was too weak to walk. Still the morning the Dr. was to come and take him to ride he persisted in going out to walk, and begged of me to let him go. He appeared to me *demented*, for he appeared like a child, and would ask me if he might do so and so; and when he asked to go out it was with *tears*, and begged that I would not keep him in the room, it was so pent up. I then asked him if I should not go out and walk with him on the public ground, and he objected. I then asked him if he knew where Union Square was. He seemed to think he did, and I told him he might go if he would stay but a short time and come directly back. I was fearful if he left the house alone, he might destroy himself. When I told him he might go, he smiled in a very silly way, and leaped and ran down stairs like a boy, and ran after he got into the street. I was then fearful I had done wrong in allowing him to go: sent a servant to call him back, at the same time I went out and met him, he having turned back as soon as the servant spoke to him. Then I said that I would go and walk with him, and went with him; he made no objections to my going with him. After that he went out to walk no more unless some one of the family went with him; and was always docile like a child, and it continued to grow upon him until he left. One day I observed him chewing tobacco, and as the Dr. had interdicted every thing that would excite him; I said to him that I feared that tobacco would injure him and make him nervous. Ever after that, when he wanted to chew tobacco, he would ask me like a child if he might have some. His money was put away, and one day he asked me for three cents to buy a paper of tobacco. During his paroxysms, he would allude to his coming down in the steamboat, and tell how he suffered; that there he thought of destroying himself, and would rave and say, there God left him, and that he was a suicide in the sight of God, and

it seemed to me that he thought that heaven was barred against him, for he would express himself in this way. He would say —“O how could I treat my Savior so,” and would then go off upon something else, and this was mingled with other things. He seemed to think that God hated him, and that he was a doomed man, and that every body hated him, and seemed to think it strange that even we should be kind to him : said it was strange, and said it was the last drop of kindness that he ever should receive, and all the time was *weeping*. I said to him that his sister, Mrs. Shumway, loved him, and he could not think that she would forsake him. He said he did not know why, but he thought they all had forsaken him.

The next day after the Dr. was called, he ordered gruel to be given to Mr. Fowler, and when it was first given to him, he would take it and say it was too good for him, and while he was eating would be *weeping* ; also when strawberries were given, he said he ought not to eat them, that they were too good for him ; and then I could persuade him by saying, that if it was not right for him to have them I would not allow him to eat them ; he would take them without saying any more about it. And the first time he was able to sit up and take his breakfast in his own room, I went into the room and he was eating, he started back, and said, “I will be through in a moment,” and ate voraciously, and would take up his food, and start back like a crazy man, just as I have seen crazy people ; and during this time when he was eating the *tears would be streaming* down his face. Then when he had finished his breakfast, he set himself back in the chair, and said, “*I have eaten one more meal.*” And I asked him if he did not relish it, and he said, yes ; but said he, I ought not to have eaten it, I *know* I ought not, but I was so hungry I could not help it ; and then he was convulsed with his feelings and weeping : and I told him it was right that he should have it, and then he was quiet. In speaking of the Savior, during those paroxysms, he would say, he had cursed his Savior on the cross, and then he would break forth in upbraidings of himself, and say, “How could I treat my Savior so ;” and look upwards and beg for one ray of light that he might pray. When he heard music in the parlor he would say, “I used to play once, didn’t I ?” there is no harp in heaven for me now, all is past : I never shall sing again. This demented state of mind continued, and rather increased while he stayed at our house.

Ques.—How long did Mr. Fowler stay at Mr. Noyes’.

Ans.—Nearly two weeks.

Ques.—From the first Monday evening, did you take the principal care of Mr. Fowler while he continued at Mr. Noyes’.

Ans.—Yes sir.

Ques.—Did he require continual watching?

Ans.—He did.

Ques.—When he got out and escaped from the house on Monday, were you alarmed for his personal safety?

Ans.—I was. I thought he had certainly destroyed himself, and blamed myself that I had not watched him.

Ques.—Are you the wife of Mr. Williams, who has testified in this case?

Ans.—I am.

Ques.—Are you a member of the church?

Ans.—I am.

Ques.—Did you go with your husband and Mr. F. to Hartford?

Ans.—I did.

Ques.—During the *whole* time you saw him at Mr. Noyes' till you left him at Hartford, were not his conversation and conduct, *incoherent, strange, wild and unnatural*; sometimes furious and sometimes demented and silly?

Ans.—It was *all that*.

You heard the main part of your husband's testimony yesterday: and so far as you were present at the time of which he spake, do you concur in the main features of his testimony?

Ans.—I do.

Ques.—Are there any additional facts which occur to you that have not been stated, that transpired either on the way or at Hartford?

Ans.—There were none on the way. But at the Retreat, when he was so excited at being left there, he began to talk incoherently, and said that the last link was severed, and that he might as well give up now; and then he came to me and begged of me, for God's sake not to let them leave him there. And then Doct. Brigham told us to leave him. And Mr. F. did not bid us good bye, and stood and watched us as we got into the carriage. I would add, that when the doctor was in attendance upon Mr. Fowler at my brother's, he ordered a blister upon his side, and it was put on about 11 o'clock at night. During the next day Mr. F. was constantly talking about it, and said his enemies pinned him down the night before, and that he only could move his right foot and hand, and that he dare not say a word; if he did, they would pin him *all* down. I could not dissuade him that it was otherwise. All the other essential facts, I believe, have been expressed by my husband.

Ques.—Was he allowed, while at your house, to have any intoxicating drinks?

Ans.—Not to my knowledge. I should have known it had it been allowed.

Cross Examined.—Who drew up the statement that you handed in at the commencement of your testimony?

Ans.—I did.

Ques.—Was it at your own suggestion or the suggestion of some one else?

Ans.—I was requested, on the day of the date of the letter, by Mr. Fowler, through my husband, to give a statement of what I thought of him while at our house in 1841.

Ques.—Had Mr. Fowler made a personal request of you?

Ans.—The day previous Mr. Fowler called and said that he would like to have Mr. Williams and myself write down what we thought of him, but if we had any objection, he would not ask it, as he had sufficient from his medical attendants without our statement.

Ques.—Do you suppose any other man no more acquainted with you than Mr. Fowler, would have recognized you in the store in Broadway?

Ans.—Yes. I should think under ordinary circumstances any man would.

Ques.—How often had you been in company to have any conversation with him before you met him in the store?

Ans.—Only the day he dined at Mr. Noyes'; then he was there, and my sister and myself conversed some time with him before dinner.

Ques.—When he returned from his wandering on Monday, did he appear to be apologising for his absence?

Ans.—I do not think he appeared to be apologising, but he appeared to be *raving*.

Ques.—How could you know that he had not moved in bed during the night?

Ans.—He said so during the day when his mind seemed to be upon that subject.

Direct, resumed, by Mr. Fowler.—Had you not been present with me several times at your brother's, in Utica, before I was introduced to you at Mr. Noyes', in this city?

Ans.—I had.

Read and approved.

TESTIMONY OF DOCT. DERING.

NEW-YORK, July 19, 1841.

W. C. Noyes, Esq.—Dear Sir: In answering your question, this morning, respecting the case of the Rev. John W. Fowler, late of Utica, I would state that when called to prescribe for him, at your house, in June last, I found him laboring under *great derangement of body and mind*, and that his disease, as nearly as I can indicate it by a single word, might be called what Doct. Rush

termed *tristi mania*. For a more particular account of which, I beg leave to refer to Rush, on the Diseases of the Mind. Chapter 3d.

I am, very respectfully, yours, &c.,

NICOLL H. DERING.

Rev. Mr. Fowler—Dear Sir: In answer to your enquiry whether it is probable your disease in June, 1841, was occasioned by the use of intoxicating drinks? I answer, that it did not occur to my mind at the time that any such cause of disease existed in your case; nor do I, upon reflection, now believe that such a cause existed; the peculiar symptoms usually present in such cases, not being manifested.

I believe I was the first physician who saw you at that illness, and attended you for nearly a fortnight, and I am very clear that nothing like *delirium tremens* existed in the case.

I am, very respectfully, yours, &c.,

NICOLL H. DERING.

New-York, June 19th, 1842.

Dr. Nicholl H. Dering being called and sworn, says he is a physician in this city, and that he attended upon Mr. Fowler at Mr. Noyes', in June, 1841, and that Documents F and G, [which are the above] being presented to witness, and having read them, says he is the author of them, and that they contain his opinion of Mr. Fowler's case.

Ques.—Is there any similarity between *tristi mania* and *delirium tremens*?

Ans.—There is no resemblance between the two. The disease *tristi mania*, may arise from diseased liver, from dyspepsia, and from a great many other causes. I found Mr. Fowler under considerable excitement: some pain and tenderness in his side; his liver, stomach, and bowels, all seemed to be much deranged, his mind also irregular, and seemed to have no memory; *incoherent* in his expressions, very difficult to get his attention, or to arouse his attention to any thing. I do not know it worth while to go into particulars. I did not consider him a sane man. I approved of taking him to Hartford, as the best thing that could be done for him.

Ques. by Mr. Fowler.—Do not persons really insane often converse rationally on general subjects?

Ans.—In cases of *mono-mania* they do.

Ques. by Mr. Bogue.—May persons be under the influence of *mono-mania* for some length of time without that fact becoming generally known?

Ans.—Yes sir.

Cross Examined.—Are you a member of any church?

Ans.—I am a member of Dr. Spring's church.

Ques.—Did you think it best for him to be taken to Hartford, before his friends suggested it?

Ans.—I don't know that I did. His case I thought was relieved by treatment while under my care; it was not of so aggravated a nature as to render it *absolutely necessary* to put him in an Asylum, though I thought that was the *best place*.

Ques.—Did you think him in a fair way of recovery under your treatment, without his being sent to Hartford?

Ans.—Yes I did.

Ques.—Did you express your approbation of his going to Hartford, for the purpose of satisfying his friends rather than from an opinion of the necessity of the case?

Ans.—I approved of his removal, and thought it the *best place for him*.

Ques. by Mr. Brisbin. [Objected to by counsel for prosecution, and ruled out by Presbytery.] Is it the opinion of Dr. Der- ington that Mr. Fowler had been any length of time deranged when he was called to see him?

Ans.—I was not capable of making up an opinion from the present state of the case, *how long* his mind had been affected; though I was under the impression that his body had been affected for some time.

Ques.—Is *tristi mania*, *mono-mania*?

Ans.—Not necessarily.

TESTIMONY OF DR. BRIGHAM AND MR. GALLAUDET.

RETREAT FOR THE INSANE, Hartford, May 23d, 1842.

In reply to inquiries which have been made of me, respecting the state of the Rev. John W. Fowler's mind, while at this institution, in the summer of last year, and whether a propensity for intoxicating drink is ever caused by disease, I briefly say, that when Mr. Fowler came here, and for some weeks after, he was in my opinion, *decidedly*, and *pitiably* insane. Of the correctness of this opinion, I had no doubt *after* I was aware that some of his acquaintances thought he might be *feigning* insanity. I have seen him several times since he left here, and I still notice indications of *mental disturbance* from disease, and I fear unless a *very judicious course* is adopted by himself, and his friends, he will become *again deranged*. In reply to the latter inquiry, I answer, that I have no doubt at all that a strong, and irresistible propensity for intoxicating drinks, for tobacco, &c., is some times caused by insanity, and not unfrequently is exhibited for some time previous to the mental derangement. I have known instances of this, both in men and women.

In great haste, respectfully,

A. BRIGHAM,

Superintendent of the Retreat for the Insane.

Immediately on Mr. Fowler's arrival at the Retreat, and during the whole time of his continuance in the institution, I had *abundant opportunity* of conversing with him, and of noticing his appearance and deportment, and I *fully and decidedly concur* in the opinion with regard to him as above expressed; and also in the other opinion, of the effect of insanity in producing, in some cases, a strong propensity for intoxicating drinks, tobacco, opium, and other stimulants.

T. H. GALLAUDET,
Chaplain of the Retreat.

RETREAT FOR THE INSANE. }
Hartford, June 10th, 1842. }

This is to certify that Mr. John W. Fowler, of Utica, State of New York, was admitted to this Institution as a patient, June 17, 1841, and remained here under my care above two months. When admitted, and for some time after, he was I believe *insane, and mentally deranged*. I formed this opinion from *closely examining and watching* him, and not from any accounts he gave me. It may not be improper to add, that I was early apprised that some supposed he might be *feigning* insanity. I therefore was *unusually cautious* in making up my mind, which was as I have said, that he was *decidedly deranged*, and I presume *had been for some time before* he came here.

A. BRIGHAM,
Superintendent of the Retreat for the Insane.

I most fully concur in the above opinion, and had as I think, *abundant opportunity* to judge *carefully* with regard to Mr. Fowler's case.

T. H. GALLAUDET.
Chaplain of the Retreat.

RETREAT FOR THE INSANE. }
Hartford, July 11th, 1842. }

[The following was objected to by Prosecution, and ruled out by Presbytery.]

I have been requested to answer the following inquiries:

1st. Is not insanity often, if not generally, *gradually induced* or brought on by the slow process of a combination of causes, acting with a secret but constantly increasing power upon the system? And hence,

2d. May not an individual be actually, though partially insane, and in a measure unaccountable for his conduct, long before the fact of his insanity becomes obvious and palpable to any, except those who are constantly with him; and is it *certain* that even these latter would not be ignorant of his condition?

3d. May not an individual be thus in a state of partial aberration *without* being, in the technical and absolute sense, a mono-maniac, while at the same time, in his ordinary and passing

intercourse with others, his conversation on most subjects is as rational as ever?

4th. May a person that has been insane, *remember* many or most of the events that transpired during his insanity?

Both my own observation, and the authority of the latest and best writers on mental diseases, constrain me to answer, yes, to each of the above queries, except to the latter clause of the 2d query.*

But to enable those interested in the subject to understand what I deem to be the truth respecting it, I wish to make some explanations.

Occasionally, and I may say often, (though not perhaps generally,) insanity comes on slowly for months, and even years; friends notice some *change* of character or habits, but do not think of actual derangement of mind. Thus we have patients here who for one, or two, or even five years, exhibited a change of character in some respects, without being deemed insane, but which change of character is now correctly regarded by their friends as caused by this disease in its incipient state. Such individuals often continue for a long time to attract observation, by caprice of deportment, by something eccentric in their manners and habits, and by ill regulated fondness for particular amusements or pursuits, exhibiting a morbid state of the feelings and propensities without any perceptible derangement of the intellect. But this whole subject will be found fully explained in Pritchard, Esquirol, Ellis, and other late writers on insanity, to which I refer those who wish to learn more respecting it. I have also alluded to the same in my last report, page 21, &c. I wish again to say distinctly, that each of the above questions, with the exception alluded to, according to our present knowledge of insanity, must be answered in the affirmative; though some, after their recovery, recollect but little that occurred during their insanity, yet very many have no impairment in their memory.

In great haste, but very respectfully, yours, &c.

A. BRIGHAM,

Superintendent of the Retreat for the Insane.

All in the following that is inclosed in brackets, was objected to by Mr. Spencer, and not permitted to be read.

HARTFORD, July 31, 1842.

Rev. Mr. Ogden—Dear Sir: I feel a deep interest in Mr. Fowler's trial, especially when I look back upon the *strongly marked*

*It is obvious the Dr. intended to answer the *substance* of the "latter clause of the 2d query," in the affirmative. It was only the *negative form* of that clause that prevented him from including it in the same answer which he gave to the rest.

state of derangement in which he was, on his arrival at the Retreat and for *some time afterwards*. [Objected to and ruled out by Presbytery. Can it be possible that he was NOT DERANGED only a *few days* before when his conduct was of so *strange* a character in the city of New-York? This seems to me improbable in the *highest degree*. On the contrary, from what I have observed of such cases, I shall expect to find it to be the fact, that he had been for a *much longer period of time* under the influence of insanity more or less distinctly developed, and perhaps scarcely noticed except by those who are familiar with such persons.] We have had in our institution, individuals of the purest minds and of exemplary piety, who, when under the influence of a diseased condition of the brain and of the nervous system, would be shockingly profane and filthy in their conversation, and give way to conduct of the most revolting kind. I recollect a most worthy clergyman who spent some months in our institution, and who, during that time, would steal various articles, and do this in a very sly and ingenious way. Their friends often bring patients to the Retreat and say that their insanity is *only of a few weeks standing*, but when questioned closely about their state of health and the various circumstances attending their condition, perhaps *for months before*, make it quite evident that the cause must have existed longer than they supposed, and been silently and surely at work. They will acknowledge too, that there has been irregularity and strangeness of conduct at times, before they could make up their minds that the individual was actually insane; and the first appearance of this insanity, as *they* regarded it, was only the outbreking of what had *long been* insidiously preying upon the health of the body and the rational operations of the mind.

[Objected to by prosecution and ruled out by Presbytery. What a careful and nice examination of a case like Mr. Fowler's, by those who have some experience in the matter, and who understand the singular effects which a diseased brain, or a brain sympathising with a diseased condition of other parts of the body, has both upon the *intellectual and moral man*, with the spirit of christian candor and charity, is *necessary*, that truth and justice may prevail.] May the spirit of truth and justice guide your deliberations.

Yours, truly,

T. H. GALLAUDET.

All that is included in brackets was objected to by Mr. Spencer, and not permitted to be read.

RETREAT FOR THE INSANE, Hartford, Aug. 1, 1842.

Rev. and Dear Sir—[Objected to and ruled out by Presbytery. Exceedingly do I regret that I cannot be present at the enquiry

about to be had respecting your mental condition, &c., when you first came to the Retreat: but my assistant is obliged to be absent this week, and the medical care of the household wholly devolves on myself, and we have some patients just now that I dare not leave. If not for this state of affairs here I should certainly visit you, and should the investigation be delayed a few days or weeks, I would endeavor then to be present. I have, however, less anxiety than I should have, were I not quite convinced that intelligent and fair minded men will see at once that at *that period*, and probably for some time previous, you were *not an accountable and responsible person.*]

When you came here you was *decidedly deranged*, and the derangement was of the character to deprive a person of *self-control*. I am told some one has called your insanity *tristi mania*. This is a name proposed by Doct. Rush, to be given to "a form of madness in which erroneous opinions respecting a man's person, affairs, or condition, are the subjects of his distress." The phrase has *never come into general use*,—for a form of madness thus restricted, rarely if ever existed but for a *very short time*: certainly it *did not* apply to *your* condition when you came here; for in addition, were *hallucinations* of vision and *various delusions*. But it should be borne in mind that no definition of insanity can be given that will apply to every case, for insanity is a disease of the body, and is not characterized by any one symptom, more than other diseases.

Take for instance, consumption: will it be correct and intelligible to distinguish this disorder by mentioning one of its symptoms, as cough, pain in the side, or spitting of blood, &c.? No. For the disease may exist and *none of them* be excited. So with insanity. It may exist and render a person *wholly irresponsible*, and yet not be characterized by many of the symptoms *often witnessed* in the insane. For instance: such a person with a diseased brain may on *most subjects* be *perfectly rational*, reason and talk *correctly for hours*, and then suddenly the delusion or diseased propensity may be awakened and reason and conscience for a time be overwhelmed and silenced. Such instances we every day see in lunatic asylums, and very many of the cases received here have been preceded by the exhibition of some *disordered propensity* which for a *time* was considered *voluntary misconduct*.

I will allude to a case or two now here. One man, the son of a very distinguished man in this State, was arrested for attempt at rape. Many of his neighbors and acquaintances testified that he had never appeared to them insane, but he was acquitted on the ground of partial insanity, though it was then quite generally said, wrongfully, by the influence of his father: but he has most

of the time since been a raving maniac, and is now quite demented.

Another, who has been here several times and recovered, a very good and worthy man, has assured me often, that each attack was preceded by uncontrollable venereal propensities for some weeks previous to his being deemed deranged, and to use his own expression, he "felt as if he should go through *flames of fire* to gratify himself in this respect." Doct. Rush, in his definition of *tristi mania*, puts down this strong venereal propensity as a symptom of this complaint: it is a symptom not frequently exhibited in the early stages of insanity in both sexes.

An irresistible thirst or propensity for intoxicating drinks is still more frequently the precursor and accompaniment of insanity. Now, many of the individuals who are thus afflicted, talk rationally, and do not much of the time *appear* to be deranged, and would seem to have sufficient reason and knowledge of right and wrong left to control themselves. But bear in mind, that although reason is given us to control our appetites and propensities, *it is wholly powerless to do this*, when they are diseased.

Many, very many cases could I adduce to substantiate what I have said. [Objected to by prosecution and ruled out by the Presbytery. And the Rev. Mr. Gallaudet, whom I still hope and expect will be with you, will be able from his own observation, also, to detail many; and which will, no doubt, enable the worthy men who are pursuing this inquiry to see that you was not only at the time you was here, but for *some time previous*, in such a state as to render you *irresponsible for your actions*.]

[Hoping for the just termination of this unpleasant difficulty, and urgently beseeching you to be very careful of your health—to avoid all excitement—late hours, &c., so as to be sure to secure quiet and abundant sleep,]

I remain, most sincerely, your friend,

(Copy.)

A. BRIGHAM.

It will be recollected that Mr. Delano, the witness who spent the unfortunate hour with Mr. Fowler in New-York, in the spring of 1841, testified that Mr. Bottum, the keeper of the saloon in which he (Delano) and Fowler drank, told him that Mr. F. had *often been there to drink*—had been there too with *bad women, &c. &c.* All this was objected to by the defence, as hearsay testimony. It was, nevertheless, overruled, and received and read before the Presbytery as testimony. The following paper was then offered. It was argued that inasmuch as Presbytery had permitted Delano to state what Bottum had told him concerning Mr. Fowler's conduct, it was no more than just that Mr. Bottum should be allowed to speak for himself, especially as what he would say had been taken under oath, and came before the body as regularly authenticated testimony. For due constitutional notice was given at the time, of the taking of Mr. Bottum's testimony. But Presbytery saw fit *after all* to reject it, and would not, as a mere indulgence, most humbly and earnestly sought, permit it *even to be read*. It is as follows. Whether it does or does not affect the *credibility* of the *whole statement* of Delano, the reader of course will judge :

DEPOSITION OF MR. JNO. BOTTUM,

Taken before a Justice of the Peace, in presence of Mr. Fowler and the witness, Mr. Dutton.

Rejected by Presbytery.

Ques.—Did you ever keep a saloon in the city of New-York ?

Ans.—I did.

Ques.—Did you ever see in your saloon the person now standing before you, known as John W. Fowler, late of Utica, city of New-York ?

Ans.—I have seen him there.

Ques.—Did he ever at any time, to your knowledge, enter or leave your saloon in company with females of any description, or have while there, any communion, intercourse, or familiarity whatever, direct or indirect, with such females ?

Ans.—I never knew that he did. *I am free to say that he never did.*

Ques.—What was Mr. Fowler's apparent object in visiting your saloon ?

Ans.—Judging from what he bought, I should suppose it was

to obtain fruits, soda, and other refreshments, as I kept them of the best kind.

Ques.—Did you ever at any time see him drink any *intoxicating liquors* in your saloon: either wine or ardent spirits?

Ans.—I *never did*, except once with Mr. Delano, in the spring of 1841.

Ques.—How often or many times was he ever in your saloon?

Ans.—I cannot exactly remember, perhaps three or four, or possibly as many as six times.

Ques.—Did he stay long, while there?

Ans.—No. Only to get what he wanted, and then went out.

Ques.—Was there *ever*, at any time, any thing in his conduct in the least degree improper or unbecoming?

Ans.—As far as my knowledge extends, *there never was*.

Signed in presence of

GEO. DUTTON, Jr.

JOHN BOTTUM.

Commonwealth of Massachusetts—Suffolk, ss.—Boston, July 22d, 1842. There personally appeared John Bottum, and in my presence signed the above deposition and swore that the answers therein contained were made by him and *are true*.

D. S. GREENOUGH, Justice of the Peace.

I certify that the signature of Geo. Dutton, Jr., on the above paper, is, according to the best of my judgment, in my son's hand writing.

GEO. DUTTON.

Utica, Aug. 2d, 1842.

Joseph Hough of the city of New-York, broker, deposes and says that he has been acquainted with John Bottum, late of this city, for several years, and believes him to be a man of good moral character and fully entitled to belief. That the said John Bottum kept a place of business for two years next door to deponent's office, and knows him to have conducted his business (confectionary, fruit, &c.) in the most respectable manner. And deponent further says, that he fully believes him to be governed by a *high sense of moral feeling*, and would not willingly do wrong in any case. And this deponent further says, that he is well acquainted with Henry A. Beach, of this city, and believes him to be a man of good moral character, and fully entitled to belief.

JOSEPH HOUGH.

Sworn this 30th day of July, A. D. 1842, before me,

THOS. J. SOMERVILLE, Com. of Deeds.

I have been long and well acquainted with Joseph Hough, the signer of the deposition contained on the opposite sheet, and have no hesitation in saying that reliance may be placed upon his statements.

GEO. CURTIS, 39 Pine st.

New-York, July 30, 1842.

Mr. Curtis, whose certificate you have above, I believe is well known to most of the members of the bar of Utica.

JOSEPH HOUGH.

Henry A. Beach, of the city of New-York, produce broker, deposes and says that he has been well acquainted with John Bottum, late of this city, for more than twelve years. And deponent further says, that he has always considered the said Bottum a man of good moral character and fully entitled to belief.

H. A. BEACH.

Sworn this 30th day of July, A. D. 1842, before me,

THOS. J. SOMERVILLE, Com. of Deeds.

Here ends all the proofs presented and offered before Presbytery.

The following testimony, in addition to the foregoing, was presented to Synod at their final meeting when the case was issued :

ON THE PART OF THE PROSECUTION.

Abijah Briggs, Lydia and Mary Ann Thomas, testified, in substance, that they knew Margaret Hughes, and believed her character to be good; that she had never lived with them; they had only seen her as she came to their house occasionally to see her sister, who lived with them as a domestic.

J. Broadish, E. Vernon and B. Thomas testified to the standing and character of M. Delano, and that he was a member of the congregation of the First Presbyterian Church in Utica.

Thomas Wright testified to the standing and character of Delano, and that he, Delano, was a member of the First Presbyterian Congregation. Also, in substance, that he saw Rev. J. W. Fowler in the city of New York, in the spring of 1841—that he met him one morning at the landing of the North River Steam Boat, when he seemed very melancholy, complained of ill health, his countenance was haggard, his appearance careless and reckless, and he was covered with a cloak, although it was a mild spring morning. The witness saw Mr. Fowler the same evening, passing up Broadway, and his appearance was entirely changed; he had no cloak, seemed light and hasty, moved by witness very rapidly and without recognition, and with a manner entirely changed and apparently reckless.

ON THE PART OF THE DEFENCE.

George W. Wood, E. W. Blake and B. Merrell testified to the good character and standing of Mrs. Eliza Bullock, that she was esteemed a lady of intelligent and exemplary piety, and was a member of the First Presbyterian Church in Utica.

M. Murphy, George Dutton, and George Dana testified to the good character and standing of Jonathan A. Fowler. Mr. Dana said that he, J. A. Fowler, had lived with him as clerk, in his store, for several years, and he had implicit confidence in his veracity, and would believe him under oath, or otherwise.

Thomas H. Wood, an officer, in the Dutch Reformed Church, testified, in substance, that he had been intimately acquainted for several years with Rev. John W. Fowler; that he boarded in the same house, and sat opposite at the

same table with the said Fowler while he boarded, and that he kept house the next door during the time Mr. Fowler kept house; that his family and Mr. Fowler's were on terms of intimacy during the whole period; that he has often been with Mr. Fowler where wine was served, but that he, Mr. Fowler, always refused it, except in one instance; that this one is the only instance in which he ever saw Mr. Fowler drink even wine, during the long period of their intimacy, and the very many occasions on which it was offered to him, and that he always regarded Mr. Fowler as most strictly temperate in all things. This witness further said, in substance, that he knew that Mr. Fowler had turns of derangement, although he never saw him in this state—that his health during the winter and spring of 1841 was very bad, and continued to get worse until he left Utica to go to Europe; that for a few weeks before he left, he was in a state of *high nervous and mental agitation*, and when conversing about his trials would seem almost *overwhelmed and beside himself*—that he noticed this especially a few days before he left, and it was often at that time said in his family circle, that Mr. Fowler was *next door to permanent insanity*—that he was not surprised when he heard Mr. Fowler had been taken up by Mr. Noyes, a *maniac*.

Barbara Staley, one of the assistants of Mrs. Williams in the Boarding House at which Mr. Fowler lived, said she had often during the winter and spring of 1840 and '41, seen Mr. Fowler in his turns of derangement—that these turns were very frequent for months before he left, and more and more so until he left; that for three or four weeks before he left she often heard him talking to himself in his own room when alone; that he would walk the room and wring his hands and appear in great distress and talk *incoherent and wild*—that she saw him very much deranged four or five days before he left for the last time; he was in one of his turns, and between these turns he seemed partially insane much of the time. Witness noticed the morning he left especially, that Mr. Fowler seemed *wild*, and she thought he would soon be *distracted*.

Benjamin Allen testified in substance that he was the steward in Mrs. Williams Boarding House, and had charge of her business books, &c.; that he was necessarily in Mr. Fowler's room every day, and sometimes several times a day; that he knew Mr. Fowler had turns of derangement all the winter and spring—that he had the last turn from four to six days before he left for good; that his health and mind were in a very bad state, and continued to get worse—that for days before he left he heard him occasionally talking to himself in his room when alone; that he would wring his hands in agony, pace the room, was distressed and talked *wild and raving*. The morning he left he seemed *wild and confused*, would pack up his things and then unpack, and did not seem to know what he was doing. Witness thought at the time he would never go his voyage, and that he was unfit to go to New York alone—that he would be a maniac before he got there, and thought seriously of going with him to New York as he thought he would be crazy on the way, and need some one with him; his faculties seemed very much out of order. I saw him every day, sometimes when he was alone, thought he was *beside himself most of the time* before he left, and became *worse and worse* until he left. I said, and expected at the time that he would become a *maniac*.

The reader will observe that the above testimony corresponds exactly with that of Mrs. Williams, the keeper of the Boarding House, Miss Sheldon, Dr. McCall, Dr. James, &c., the latter of whom saw Mr. Fowler professionally a few days before he left, and wanted (to use his own language,) “*to lay his hand upon him to prevent his going into a spasm*” of mental agitation. Such was Mr. Fowler's condition (known of course only by those who were intimate with him,) when he left Utica for New York. Three

days after he arrived at New York, he was taken by Mr. Noyes to his house a *wretched maniac*.

THE SUBSTANCE OF DR. JOHN MC'CALL'S TESTIMONY.

I have known Mr. Fowler intimately for several years, and particularly during the life time of his wife, who died in August, 1840. During four years preceding that time, I attended her steadily, as her medical attendant, visiting her daily for the last year or two before her death, and sometimes twice a day, and always found him with her, administering to her relief with all the affection and tenderness of a most devoted husband. Her illness was Pulmonary Consumption, of which she died. The illness and severe loss to him of this most lovely and estimable woman greatly impaired Mr. Fowler's health, producing in his case, *great mental emotion and suffering*.

Several days before, and for some time after that event, he suffered severely from mental agitation; and at times exhibited *evident indications* of partial *alienation of mind*. These proofs consisted in occasional instances of wanderings of thought and errors in judgment respecting his own health and strength of body and state of mind, &c.; passing at times from one thing to another, with *evident incoherency*. That he was partially insane just before he left his congregation in this city, after obtaining from them his dismissal, *I have no doubt whatever of the fact*. I have often seen him, and often prescribed for him after his wife's death up to within a few days before he left Utica for New York, where the dreadful malady, I mean insanity, soon became fully developed, when he was taken to the Hartford Retreat. I repeat that I had abundant opportunity to judge, and I have *no doubt* of his partial insanity before he left for New York in the spring of 1841. And as a man strictly temperate in all respects, I can truly say I never saw him drink spirits of any kind, and never saw him drink wine, except twice or thrice at farthest, during the whole time of my acquaintance with him.

DR. BRIGHAM'S ORAL TESTIMONY BEFORE SYNOD.

I am Principal of the Insane Asylum of the State of New York, located at Utica. At the time Mr. Fowler was deranged and in the Insane Retreat at Hartford, Conn., I was the Principal of that Institution, and had charge of Mr. Fowler from the time he was brought there till he left, and saw him every day. I was ignorant of the nature of the charges against Mr. Fowler, until I came to this Synod; I had heard of alleged misconduct, but I never thought it best to call the attention of Mr. Fowler to the subject. The particulars of the charges were new to me. I thought Mr. Fowler *decidedly deranged* while under my care; I thought so at the time and think so now.

[Dr. B. was here called to give his opinion upon the facts related by Delano, as evidences of Mr. Fowler's insanity at the time. This was strongly objected to by the prosecution, but the Doctor proceeded.]

I think the testimony of Delano quite as strong, if not stronger proof of Mr. Fowler's insanity, than that of Mr. Noyes concerning Mr. Fowler's appearance when he saw him at the American Hotel. The conduct of Mr. Fowler as related by Delano, is such in its general aspect as I should suppose would have proceeded the condition in which he was when I first saw him. Such cases have been brought under my care in *similar* circumstances; the state in which I found them was such as Mr. Fowler's, and the conduct or manifestations immediately preceding were similar, corresponding with those narrated by Delano. One gentleman under my care had been embarrassed

in his pecuniary affairs, had lost his fortune; he was in great anxiety of mind for months; the mental disturbance increased, until at length his conduct became exceedingly strange, roaming about from place to place, at one time abusive to his family, at another extravagantly affectionate, giving loose at length to various passions and propensities, until he was brought to the Retreat a very deranged man. I could relate many instances of the kind. Such forms of mental disease frequently preceede suicide.

From a review of Mr. Fowler's case I have no doubt he was laboring under disease of the brain and insanity, *previously to his going to New York, and all the while he was there*. It is a common thing for men to be deranged morally, and even intellectually, and converse rationally much of the time, though there cannot be *general* intellectual insanity, without irrational conversation most of the time. But the intellect seldom becomes *generally* deranged. In most instances the intellectual faculties are but partially disturbed, and in many, such disturbance is scarcely perceptible at all. In Mr. Fowler's case, *all* the circumstances before and after he left Utica, *while he was in New York with Delano*, and subsequently until he came under my care, all the circumstances as they have been detailed on this trial, are in *perfect keeping* with each other, and the idea of his continued insanity, and serve to make up a case that is *consistent and complete throughout*, and such as every man conversant with insanity has often seen. It would have been a strange case if the conduct of Mr. Fowler *before* his interview with Delano, and especially *while with Delano*, had not been followed by the state of just that wretched and pitiable insanity in which he was at the house of Mr. Noyes, and at the Retreat. The *previous* conduct and the *subsequent outbreak* of insanity were in perfect keeping; and if I had ever had any doubts of his insanity before, they would have been *entirely removed* by the circumstances related by Delano and others, of previous manifestation. The case is now complete, and I have no more doubt of Mr. Fowler's insanity *before* taken by Mr. Noyes, than I have that he was insane *after*, and when brought to the Retreat. The testimony presented by *both parties* in this trial, makes it a *connected and consistent case of insanity*.

In answer to an enquiry, Dr. Brigham said, there is a kind of insanity called *moral* insanity, (though Mr. Fowler's was not exclusively this even before Mr. Noyes found him,) in which the intellect is not perceptibly affected, but in which the moral character of the man is deranged—his feelings and affections in contradistinction to his intellect. Medical writers admit this. It is described at length by Pritchard, Esquirol, Ray and others. Dr. Woodward, of the Worcester Hospital, says one quarter at least of the cases under his care are of this description; *not* what is called *intellectual* insanity. I fear that I shall be misunderstood here. The *general* notions of insanity are derived from cases of *violent mania*; and most people expect in a case of insanity to see violence of conduct and incoherency of conversation; and unless the reason and the intellect be thus affected, they suppose there can be no derangement. But we have a moral and intellectual nature: and for the proper manifestation of both, a *healthy brain* is necessary. But at one time disease of the brain may destroy the *intellect* in a good degree and not much affect the *moral* feelings, as we see some lunatics continue to exercise their moral affections, to be benevolent, to be conscientious, and to love their friends &c.; while on the other hand, a trifling disease of the brain may not perceptibly affect the intellect, while it deranges the moral character, changes the affections and propensities. Such a person at times, and often, exhibits no *intellectual* derangement; but his propensities being under the diseased action of his brain, and in consequence of that disturbance having lost in a measure his *moral perceptions*, his reason becomes powerless and he is led into crime, not from *natural depravity*, but solely from disease of the brain. I mean to convey the idea that a slight blow on the head, or a trifling disease of the brain may change a pure, virtuous and upright man into a liar, a drunkard, &c., and lead him to commit any species of crime, by deranging the mo-

ral *perceptions*. These are not *my* views solely, they are entertained by *all* who are conversant with the subject of insanity.

This is what I mean by moral insanity; not mere *depravity* of course, but a derangement—*emphatically derangement*, and not the mere *inclination* however *strong*, of the moral affections and *perceptions*. I have no doubt from the facts in the case, that Mr. Fowler's insanity was *both* moral and intellectual—this was its form *before*, as well as after Mr. Noyes found him and took him to his house. It is a connected and consistent case of this kind. Insane persons often exhibit *remorse* for acts committed *while* insane. I have seen patients under my care who had stolen, after their moral feelings seemed to have been in a measure restored, although still deranged, exhibiting as much remorse, or more, than a sane and penitent person. Patients that are suicides often vacillate—at one time determined they will, at another that they will not destroy themselves. Generally there is a long struggle I apprehend.

Cross Examined.—I know of no *single* act of an insane person that *may* not be done by a sane one. I do not think a sane person would have done what Mr. Fowler is said to have done *before* Mr. Noyes found him. Which one of his acts at that time a sane man would not have done, I do not know that I could say. Insanity is not proved so much by a *single* act as by the *general conduct*. I think the *entire course* of Mr. F. in N. Y. as *delineated by Delano* and other witnesses, make out a *consistent and connected case of decided insanity*. If I were to judge *alone* from Mr. Fowler's conduct and appearance in New York *before* Mr. Noyes found him, I should say he was insane. I should think there was considerable *evidence* of it; I should be *surprised* if it did not terminate in *palpable* insanity. His *whole conduct*, his walking to and fro on the side walk, his starting suddenly about, his roaming into streets and houses and out again with no apparent object in view, his turning constantly to look behind and around him, as though some one were after him when walking alone in respectable streets, and he could have had no motive for it; these and *all the other parts* of his conduct showed mental alienation and disturbance, and are such as I have been *accustomed* to see in patients *before* an outbreak of *violent* insanity, and would *in themselves* have led me to think him partially insane, and to expect *just* the state of palpable derangement in which he was when Mr. Noyes found him, and he was brought to the Retreat. In most cases nervous affections are produced by disease of the brain, but perhaps not in all. I can neither explain *how* the *intellect* becomes deranged while the *moral* faculties are sound, nor *how* the *moral* faculties become deranged while the *intellect* is sound, until I know more of the connection between mind and matter. The effect of stimulants upon a person in Mr. Fowler's condition when in New York, would be bad; though they are almost universally prone to resort to them in that peculiar state, and can bear much more without intoxication than when sane. Insane persons, especially in the *early stages of insanity*, are very often prone to talk and act licentiously. This is so common a symptom that medical writers have given a distinct appellation to this form of insanity. Optical delusions occur in all kinds of insanity.

I have known a clergyman, who performed religious services very acceptably, would pray and preach, who was a *very deranged man* upon some subjects. He claimed to own certain property belonging to other individuals, and would have been dangerously violent towards any man in a moment who should have attempted to dispose of it, and have thought it no harm, but *duty*; and yet he was an excellent man, and a good preacher.

Question by the Counsel for Prosecution:

Are you in the habit of speaking of those who are greatly excited on any one subject as deranged?

Ans.—No. I have no such views—none that are not held by most medical men. There is no insanity that does not result from diseased brain.

Here ends all the testimony in the case.

The Oneida Presbytery, before whom it was first tried, *condemned* Mr. Fowler by a very small majority. From this decision the case went up by appeal and complaint to the Synod, composed of a delegation from five Presbyteries. All the testimony having been read, Synod *acquitted* Mr. Fowler by an almost *unanimous* vote. The first vote on "appeal" stood 18 for, and 4 against. The *final* vote on "complaint" stood 21 to *acquit* Mr. Fowler, and but *one* against him.

This matter has been pending for nearly *two years*. The most *thorough and unceasing* investigations have been made. Mr. Fowler's past life has been consulted, with care and scrutiny. Enquiries have been made at almost every imaginable source of information. There was probably never a case in which stronger efforts were made.

The reader will have noticed that certain portions of the testimony offered by the accused, and some of which were *vital*, were *rejected* by the Presbytery. Those parts were *admitted* by the Synod. Some of them, and the most important, were taken again by Commissioners appointed by the Synod, who adjourned their first meeting some months, in which the Commissioners and parties were to search out and bring before them, *whatever* could be found in favor or against Mr. Fowler, and then met, tried the whole case, and decided as above.

The *grounds* on which the case was taken from the decision of Presbytery to the Synod, were, "that Presbytery had refused *constitutional* testimony on the part of the accused, and admitted *unconstitutional* testimony on the part of the prosecution; that they rejected testimony when offered by the *accused*, on the ground of *irrelevancy*, and repeatedly admitted *irrelevant* testimony on the other side. That they condemned Mr. Fowler for the intemperate use of intoxicating liquors on evidence wholly inadequate as the foundation of such a decision; that they found him guilty of the charge based on Delano's testimony, without the slightest notice in their decision of his *plea of insanity*, and just as though not a word of all the *overwhelming* proofs of his derangement had ever been presented to their consideration; that a majority of the Presbytery manifested *great prejudice*, and seemed to be controlled by the prejudiced opinions of the leading committee of prosecution, as appeared from their deciding in *their* favor on almost every question that came up in the progress of the trial; that the accused was deprived of many important rights, &c."

The reader will be able to judge in regard to this by turning again to the records. It should also be said that Mr. Fowler's case was urged to a trial, and prevented only by a *bare majority* of Presbytery, before he had recovered from his mental illness and even without the *constitutional forms of investigation*, &c., a ci-

tation to that effect having been sent to him soon after he was taken to the Hospital a *maniac*, and when it was known he could not attend; thus mocking the miseries of a wretched sufferer, and proceeding to condemn him unheard and without proof. And then, when it was issued before Presbytery, it will be seen, in addition to what has already been said, that "*second-hand*" testimony was received from the *prosecution*, and *rejected* when offered by the *accused*, (pp. 12, 16 and 22); that the *opinions* of *physicians* on the general subject of *insanity*, (never before, we believe, refused in any court,) were admitted on one side, (as above,) and rejected on the other, (see Dr. Pomeroy's, p. 47, and Dr. Brigham's bottom of p. 64); that one of the Commissioners, Rev. Mr. Haynes, of Rome, (Mr. Brisbin, the other, being absent,) was urged and finally taken by the accused, to one of his *most important* witnesses, and that when he, the Commissioner, found that her testimony would *annihilate* the story of the *girl*, he *refused to record it*, and with Mr. Spencer, immediately and *abruptly* left the house and city, (see pages 18 and 19); that Mr. Fowler requested by letter that the examination of the girl might be deferred a few hours till he should arrive to be present, but that as soon as they met, although there was much other and less important testimony to be taken, Mr. Spencer and the Commissioner hurried at once to take hers, and against the remonstrances of the other Commissioner, (Mr. Brisbin,) and that the girl ever after utterly refused to testify or be questioned in Mr. Fowler's presence, though strenuously urged, (pp. 8 and 9.) The *reasons* why Mr. Fowler wished to be present were, that after all their search they had found but *one original* witness against him, (Delano,) by whom alone they could not constitutionally convict him, and he feared she had been induced in some way to supply this deficiency, and therefore wished to give to his counsel the aid, and to the girl the restraints of his presence. Now whether his suspicions were, or were not well founded, may be seen by the following view of the testimony in the case. In this view, we think, the reader will be able to comprehend, in a measure, the *adverse agencies*, and *subtle*, and *determined influences* that have met Mr. Fowler at every step in his now most successful endeavor to prove his innocence.

Our first enquiry is, did the girl know anything about the *outrage* now said to have been committed on her virtue, until about the time she testified? If it can be shown that she did *not*, the first step toward a confirmation of Mr. Fowler's suspicions will have been successfully taken. It will be remembered that the "*liberties*" are said to have been taken in the fall of 1839, and that it was about *three years* after that the girl testified, and also that she never lived with Mr. Fowler at any other time. Did Margaret then, (the girl,) know anything about these "*liberties*"

during this period? Let the following reply : Mrs. Sammons, whose character for integrity, it will seen, is sustained by the best authority, swears thus : “ Margaret lived with me immediately after she left Mr. Fowler’s in the fall of 1839—she spoke *frequently* to me of Mr. Fowler, and *always* in the *highest terms*. She represented him as a *very good man*, a *fine man* ; she said he had *always* treated her with PERFECT PROPRIETY; *this* she said *frequently*. She has also told me *the story* about the “ improper liberties,” but she said *distinctly* they were taken by *another man*, an *unmarried man*, and not by Mr. Fowler, nor *in his house*, though *while she lived there*.” (See p. 20.) Again, Mrs. Maria Parker, wife of Job Parker, Esq., testifies : I saw Margaret *frequently*, *immediately*, and for a *long time* after she left Mr. Fowler’s, and knew her *intimately for years*. I have *frequently* heard her speak of Mr. Fowler ; she *always* spoke *well* of him ; she represented him as a *good man*, a *man of good character* ; said she *liked to live* in his *family*. I should think from what Margaret has said to me that *Mr. Fowler* would be the *last man* she would speak against. She was in the habit of talking to me *very freely indeed* of her *own affairs*, much more so than any servant I ever had, and I have *no doubt* if any improprieties *had* occurred on the part of Mr. Fowler, she would have communicated it to me.” (See p. 21.) Such were the strong, unequivocal and emphatic *endorsements* which Margaret gave, and gave of her own accord, and *habitually*, of Mr. Fowler’s *purity*, *piety* and *correct deportment towards her*, from the time she left his house till just before she took the stand against him as a witness. Wherever we trace her during these intervening three years, and even “ *immediately after she left his family*” and went to Mrs. Sammons, we find her giving the same *frequent and voluntary* testimonies to his *good character and conduct towards her*, though she now says, or is made to say, that she left Mr. Fowler’s house because she was *afraid* to stay on account of his base conduct toward her. We therefore submit to the reader whether she could, in the nature of things, have known aught against Mr. Fowler during this period. Could she have had her virtue thus outraged, and by it have been frightened from the house, and then have gone *directly* to another family, and there have commenced *at once* and without solicitation, a series of frequent and emphatic *eulogies* upon the *virtues* of the base perpetrator? Would it have been natural for a virtuous girl to say, the moment she escaped from his abode, from which she had been driven by an *insult* and a trembling fear of its reputation, that she “ *liked to live in his family*,” that he was an *excellent man*, and had *always* treated her with so much *decorum and kindness*? Are these the promptings of insulted innocence, and of outraged virtue? We leave the reader to judge whether, during these in-

intervening three years, she could have known aught of the "improper liberties," or *anything else* against Mr. Fowler.

But it is still farther said in the *charge*, that Margaret communicated the insult *as soon as it occurred*, in the fall of 1839, to her sister Ann, since dead, and from her, Ann, Mr. Spencer pretended to have got the story. (See pages 10 and 11.) This sister is said to have been *horrified*, as of course she would have been, at the first recital of the insult by Margaret. Now, if upon enquiry we should find Ann *relating* the story, or making frequent expressions of *indignation* toward Mr. Fowler, it would go to show that something *might* have occurred; though Margaret's conduct would *still* be inexplicable, and to say the least, create strong *doubts* as to the truth of the story. But if, on the other hand, we find Ann, as well as the girl herself, speaking of Mr. Fowler in the highest terms, and manifesting an *honest ignorance* of the alleged insult, it would be another step toward the *confirmation* of his suspicions in regard to a *subtle influence* exerted on the mind of the girl about the time she became a witness. Let us see. Mrs. Eliza Bullock, whose character it will be seen, is sustained by the most undoubted authority, testifies as follows: "I was well acquainted with Ann, the sister of Margaret Huges; she, Ann, came to live with me in the fall of 1839, (when Margaret lived with Mr. Fowler,) and continued with me till May, 1840, (long after Margaret left Mr. Fowler's.) I heard the said Ann *frequently* and of *her own accord*, from the time she came till she left, in the spring, speak of Mr. Fowler, and *always* in the *highest terms* of respect and confidence as a man of *purity and christian devotion*, and of *ADMIRATION* as a minister of the gospel. She told me she knew Mr. Fowler well, (she had often been in his family,) and represented him as a man of *UNEXCEPTIONABLE DEPORTMENT*, and of an *excellent character*: she said she, Ann, would rather sit under *his* ministry than *any other man's*, that she *longed* to attend his church, and nothing but her friends all going to the Welch Church prevented, and she even thought of breaking through *all* restraint and going to *his* church. I think it *utterly unaccountable*, (continues Mrs. B.) if not *IMPOSSIBLE*, that Ann should have known *anything* against Mr. Fowler, and have spoken to me of him as she so constantly did, as a man of *pure feelings and undoubted piety*—she spoke to me (after she left,) of her being *so delighted* that Mr. Fowler had called on her upon the death of her husband, she always, she said, thought so much of Mr. Fowler. I have frequently heard her speak directly of Mr. Fowler's *character*, and *cannot*, I think, be mistaken, so strong was the impression made on my mind at the time, as to Ann's avowed opinion of him, or as to anything I have herein stated. I think it would be difficult, if not *impossible*, to find language *strong enough* to convey the *high confidence and admiration*

which she, the said Ann, expressed in regard to Mr. Fowler. She *continued* to speak of him constantly in the *strong terms* expressed above, up to the time *she left my house* in the spring of 1840. I am a member of the First Presbyterian Church." (See p. 22.) We believe Ann died within the year after she left Mrs. Bullocks.

The reader will better understand these peculiarly strong expressions, when informed what Mrs. Bullock intimated to us, viz: that she, Mrs. Bullock, was at that time a stranger in Utica, having then recently moved into the place; and there being, as is not unfrequent, pretty strong parties in regard to Mr. Fowler as a minister, Ann seemed to fear that she, Mrs. Bullock, might be influenced to entertain opinions of Mr. Fowler that did not come up to her own, or to what she regarded as worthy of him. It was on this account, Mrs. Bullock thinks, that Ann found occasion, in the warmth of her friendship, to speak to her so often and so strongly as she did of Mr. Fowler. She thinks these expressions were but the overflowings of a heart, full of respect and kindly feelings toward a man in whose family she had often been, and whose general deportment and conduct toward herself and sister, had awakened within her an *esteem and gratitude*, of which, in all the simplicity of honest ignorance, she gave frequent and extravagant expressions. Now from this testimony of a most credible witness, we ask the reader to judge whether Ann, who spoke thus of Mr. Fowler at the *very time*, and for a long period *immediately after* her sister lived at Mr. Fowler's, *could* have known anything of the alleged *outrage* upon that sister, and at the *recital* of which she is now said to have been so much *horrified*. And let it be remembered, it is said to have been communicated to her as soon as it occurred, *while she lived* with Mrs. Bullock and *very soon after* she went there. Would she then have been likely to pronounce such perpetual *eulogies* upon the *purity, piety* and clerical *rectitude* and *devotion* of a man, and that too at the *very time* of its occurrence, who had "basely sought the *disgrace and ruin* of her innocent and inoffensive sister," and "frightened" her from his house by this *wanton insult*! We leave the reader to decide whether Ann's *utter ignorance* of the alleged "ill treatment" of her sister must not be admitted, or a course of conduct ascribed to her the most *unnatural and mysterious*, and that renders her unworthy of belief in anything she might have said.

Having thus far shown that neither Margaret nor Ann knew anything against Mr. Fowler from the fall of 1839, till some *three years* after, when Margaret was called to testify, our next enquiry is *HOW CAME SHE TO TESTIFY AS SHE DID?* After a *profound silence* on her part and her sister's, during the *whole* of this period, in regard to the alleged insult, and all these *continued, emphatic and honest* expressions of a *high regard* for Mr. Fowler, by what strange transforma-

tion of mind, or change of circumstances, or subtle and prevailing *influence*, did Margaret now take the stand and swear that Mr. Fowler had driven her from his house by a *gross, wanton and infamous* attack upon her virtue, and that too when it was proved she stayed a week in his family, *after* she had done service, which she gave up on account of ill health. Perhaps it may assist the reader to decide, if we advert for a moment to two or three circumstances then existing.

It has been seen throughout the whole history of this case, that Rev. Theodore Spencer, of Utica, was the active and persevering agent in conducting these proceedings against Mr. Fowler. And we introduce him in this connection from no unkind motives. We have held an intercourse with him for years on terms, we believe, of mutual christian courtesy, and are exceedingly sorry to be obliged even to *allude* to his course in this unhappy affair, and shall not advance a thought or fact, any further than we are *absolutely compelled* to, to remove the impressions that have been produced against Mr. Fowler, whom we believe *in our souls* to have been a *most deeply injured and innocent* man. Mr. Spencer, at the time of which we are now speaking, was in circumstances in relation to Mr. Fowler's case, that were alike peculiar and trying.

This case had been pending for nearly two years. As a matter of course, it had produced great excitement and awakened much interest in the community. People were divided in sentiment. Mr. Spencer, as is well known here, had frequently and publicly avowed his *absolute and certain knowledge* of the truth of all the charges against Mr. Fowler, which were many. Both parties regarded him as the leading and responsible *agent* in the affair, and were looking with intense interest to his movements for the final result. To carry forward the case to a successful issue against the accused, his word, his avowed sense of obligation and his character as a man and minister, were all publicly and solemnly pledged. To fail, when thus deeply and seriously committed, would be to subject himself, not only to the mortifications of a *most dreaded defeat*, but to the *severest censure and denunciation*, if nothing else. And then he had been settled over a faction of disaffected members who had seceded from Mr. Fowler's church and organized one of their own. And from his strong and manifest sympathy with his congregation in their opposition to Mr. Fowler, Mr. Spencer doubtless feared that if he, Mr. Fowler, should in the end be pronounced innocent, all *his own zeal* in seeking to effect his condemnation, would be ascribed to ambitious motives and personal and unwarrantable *hostility*. In this condition, it is easy to be seen that he would be eager to seize upon any and every fact that could be brought within his reach, calculated to show Mr. Fowler's guilt and to bear himself out in the frequent and unqualified assertions he had made in regard to that guilt.

Thus much we have regarded as the least we could say consistently with duty in regard to Mr. Spencer's peculiar position at this point in the history of the case.

But a prominent *difficulty* occurred here. Presbytery were to meet in a few weeks to try Mr. Fowler, and yet thus far they had found but *one* original witness against him and this was *insufficient*. The utmost investigations had been made for nearly two years. No pains or expense had been spared. Almost every person and place on which Mr. Fowler's *shadow* had fallen for *many years* had been consulted — every nook and corner of his past life, even long before he became a minister, carefully explored. The prosecution had had the utmost latitude and could by the "rules" have preferred against him, not flagrant charges merely, but the slightest misdemeanors and departures, even from *clerical decorum*, which, in their long and close investigations of his past life they might chance to find. The commissioners had been to New-York, where it had been unequivocally asserted by Mr. Spencer and others, the most abundant proof of his guilt could be obtained. But after all their scrutinizing enquiries, and patient, persevering efforts in New-York and elsewhere, *nothing*, not even an *impropriety* could be found, except the story of Delano. The keepers of the hotels at which Mr. Fowler stopped in New-York testified to his perfect and uniform *decorum* as a man and a minister. No use of intoxicating drinks, &c., not even a glass of wine, so loudly reported by Spencer and others, could anywhere be found except in the single instance spoken of by Delano. Thus were they shut up to the isolated story of this *one* witness. But Mr Fowler's *insanity* while with Delano was proved beyond a reasonable doubt. And besides, Mr. Bottum was likely to swear a flat contradiction of Delano's story. And more than all, the rule of the constitution required *two* witnesses, and they must furthermore swear to "similar acts" before any man could be convicted. (The reader will see the above statements to be true, not only from the record, but from the fact that Delano's story and the girl's were the only charges issued in the case.) Here, then, Mr. Spencer found himself in embarrassing circumstances. Mr. Fowler after all, was thus far an *innocent* and *up-right* man. Some other witness must be obtained, and one too who would swear to "*similar acts*," or the rule would not be complied with, and the prosecution must be abandoned and Mr. Fowler be pronounced by the world a *deeply injured man*. What could be done in this dilemma? Where could Mr. Spencer look for "*similar acts*" with greater hope of success than among the female domestics who from time to time had lived in Mr. Fowler's family? These females were consulted. One girl who had moved to a place some miles distant, was searched out after many days enquiry by the clergyman of the place, who had re-

ceived a letter from one of the committee of prosecution with a request so to do. But when found, she knew nothing against Mr. Fowler. (This is not in the record but we stand ready to prove it, and suppose it will not be denied. We have introduced it simply to show the unusual fidelity of the committee in searching for "similar acts," and the *necessary correctness* of any man's deportment and character who can abide the test of such eagle-eyed and pains-taking *scrutiny*.)

We have thus referred the reader briefly to the peculiar condition of the prosecution at that point in the history of the case where Margaret Hughes is first introduced, viz: about five weeks before the meeting of the Presbytery to try Mr. Fowler; and we have done it solely to aid him in deciding the question whether she was or was not *influenced* to testify as she did.

Our next inquiry will be, is there any other and direct evidence that such an influence was exerted? Our reply is first, that the story of the "improper liberties" *sprang into existence just at this point*. It was never known or heard of till then. The case of Mr. Fowler had for months been agitated in Presbytery and the community, and loud calls had long been made for *all* to come forward and contribute what they knew against Mr. Fowler; and yet, though it had never been known, whispered or breathed before, the moment the prosecution found by the failure of their Commissioners in New York, that they must have another witness to "similar acts," it *suddenly started into being*, and became public, (see pp. 10 and 11.) Again, the *manner* in which the story was said to have originated, is worthy of notice, as it may assist the reader in forming his decisions. Look at the testimony of the girl and others, and you will see that she was told that her sister Ann, then *dead*, just before her death, told the story as coming from *her*, and she was urged to come out and confirm it, (see pp. 10 and 17.) Now we humbly ask if this was not placing the girl in a very peculiar position, where she would be likely to be beset with temptations and difficulties. Suppose Mr. Spencer, and others, whom he could enlist, and who had influence with her, should continue to press the declaration and authority of Ann, her sister; to repeat peremptorily that Ann *did* tell the story as coming from her, and that they *believed* it, and by this *urge her* to come out and confirm it—suppose, we say, they should pursue this course with energy and perseverance; would she not be obliged to confirm it, or confess that *she* had told a falsehood, or that her departed sister had, or else charge it on Mr. Spencer, and others, who said they had it from Ann? Would she not thus be compelled to acknowledge that either *herself*, or lamented sister, had been guilty of that *flagrant falsehood* against Mr. Fowler, an innocent clergyman, or else stand up boldly and give the lie to Mr. Spencer, another clergyman, and others, who were facing her sternly with the story as having come from Ann? One of these was she not for-

ced to do, or *confess and confirm the truth of the story, and the "liberties!"* We ask again if her position was not *peculiar, and trying?* Ann was in the grave, and to her no appeal could be made. The individuals who were besetting her with Ann's authority, were far above her in life, and bearing authority in the church, and were *determined* (as will soon be seen,) to believe *Ann*, whatever *she*, the girl, might say, and therefore should she *deny* that she had told Ann, it would not relieve her of her difficulties. We ask if any scheme imaginable, even though it had been *got up* by mere *invention*, could have been more *ingenious* and better adapted to the necessities of the case and the object in view, than thus to wield, with *such alternatives*, the word and authority of the *lamented dead*, upon the *feelings and fears* of an ignorant but affectionate sister?

Such, as the reader may see by the testimony recorded, was the *peculiar manner* in which the girl was approached by Mr. Spencer, and by him, or rather by those whom he sent to her, urged to testify against Mr. Fowler. What it was that Margaret told Ann, if anything, we pretend not to say. Whether she told her, as she did Mrs. Sammons, *this same story*, but attributed it to *another man*, or whether she told her *nothing at all*, it comes not within the scope of our design to enquire. Our object is, in obedience to a duty which we think we owe to Mr. Fowler, and to truth, simply and kindly to recall to the view of the reader certain facts in the testimony in their proper connections, that *he* may *judge and judge truly*.

But in order to show still further whether the girl was, or was not influenced to testify as she did, let us enquire what was the state of her mind on the subject when it was *first presented* to her. Did she confess or deny it; did she falter and hesitate, or was she prompt? Now, if when it was first presented by those who called on her, we should find her *acknowledging* its truth at once, it would relieve the case perhaps, a little of some of its difficulties; though the conduct of *both girls* for the *three intervening years*; their *voluntary, uniform and high expressions* in regard to Mr. Fowler's character and conduct *toward them*, would still render it unaccountable that they should have known *aught of the story* during this period. But if on the contrary, we find the girl at first, *resisting* Mr. Spencer's proposals, denying to others the truth of the story, and evidently *determined* to testify to *nothing against* Mr. Fowler, what then will be the inference in regard to the *influence* finally exerted upon her? Let us then go again to the testimony. After the story had been started and become the theme of public remark, and the girl had been seen on the subject, her husband said his wife would *never acknowledge* it, or testify *anything* to Mr. Fowler's injury. Jonathan A. Fowler, hearing of the story, went to Hughes, the husband of the girl, for enquiry. Hughes swears in relation to this interview thus: "*I don't recollect all*

I said to him ; but I remember I told him they hadn't got the *right end* of the story," (perhaps he meant 'by right end,' the *right man*;) "they hadn't got it as *my wife had it*, for as it *was*, it wouldn't hurt Mr. Fowler." (See his own testimony, page 12.) This language is plain and unequivocal. Her own husband being witness, she *knew nothing* of the story of Mr. Spencer and the public ; it was *not true*, nor would she *testify* to it, ner to *anything else* that could in any way *injure* Mr. Fowler. Corresponding to this, J. A. Fowler testifies in regard to the *same* interview, that Hughes told him, "Mr. Fowler would *never be injured* by anything his wife could testify ; that there was no danger of it ; that the story that was out, was nothing that his wife had ever said, &c. &c.," (p. 17.) And then the Pastor of the Welch Church, to which the girl belonged, having learned the particulars of the story charged by Mr. Spencer, went to see her on the subject about this time, and *he* said, immediately after this interview with her, that the *accusations* were nothing as the *truth* was ; that the girl *knew*, and would *testify* to *nothing* that would *hurt* Mr. Fowler ; &c.," (p. 17.) And finally, the girl herself about this time, signed a *certificate acquitting* Mr. Fowler of the story of the liberties, and of every thing like an *impropriety* of conduct towards her at *any time*, (p. 11.) She also said distinctly to a witness, "that Mr. Fowler would *never be injured by anything* she could testify ; that she never lived with a kinder man in his family ; that he had always treated her kindly and affectionately ; that she was *sorry* about this matter ; that she had *no idea* bad stories would get out about Mr. Fowler ; that she had told her sister *in a joking kind of way*, and had no idea her sister would ever have repeated it, &c. &c.," (pp. 16 and 17.) All this occurred, as the reader may see by turning again to the record, *just after* the story sprang into existence, and the girl had been told, by Mr. Spencer's agency, that Ann had related it as coming from her. Now we ask the reader what he honestly thinks was the state of the girl's mind at this point in the history ? It will be perceived that she concedes here that she had told Ann something, but *nothing at all* to Mr. Fowler's *discredit*. But is not this precisely what you would expect, considering the *peculiar and ingenious manner* in which the thing came before her ? As we have said, she could not deny it *out and out* without charging her sister or Mr. Spencer and others, with *falsehood*. While therefore she was compelled, as it were, tacitly to concede that she might have told Ann something, she got along with it in the best and only way she could, viz., by saying on *all occasion* that it was nothing at all *against* Mr. Fowler, but some slight thing she might have told her sister "in a joking kind of way." Is not this the only solution ? Is not this part of the testimony utterly inconsistent with the idea of Mr. Fowler's guilt, and of *her* consequent knowledge of that guilt ? At any rate, is

it not evident as light, that up to, and at this time, she had no thought of testifying to the story, and was avowedly ignorant of anything against Mr. Fowler? And if she had been left to herself, would she ever have confirmed it? This brings us to treat more directly of the *influence* exerted upon her, though we ask if it would not be clear and undeniable from the views already taken of the testimony? *How came* she then to testify as she finally did—to pass over from a total *denial* of the story in circulation, and confessions of Mr. Fowler's *good treatment* of her, his *purity and piety*, and her total ignorance of anything against him, to a solemn *oath* that the story was true, that he had grossly *outraged* her virtue and *frightened* her from his house by this wanton, base and brutal *insult*? What could have produced this total and most mysterious change? We answer here, as every where else, by simply and honestly presenting the plain testimony.

We find that when the girls feelings, upon the first presentation of the subject, were discovered, more direct and effective measures to induce her to confirm the story were adopted. Mr. Spencer, (see p. 15,) then went to her minister, the worthy Mr. Griffith, a foreigner, to induce him to undertake the matter; and having succeeded in convincing that honest-hearted man that Ann did tell the story; that Margaret *did* tell Ann; that she ought now to confirm it, and that Mr. Fowler was guilty, and ought to be exposed and punished, Mr. Griffith commenced the exercise of his authority and influence with the girl. But to guard against failure, Mr. Spencer requested the girl's Physician, (page 15,) to aid the Pastor. Dr. Rathbun, who seems to have come most fully into the views of Mr. Spencer on the subject, undertook the business of urging. Now it was scarcely to be expected, perhaps, that a girl like her could withstand the arguments, entreaties and determined opinions of both her minister and physician; and to employ them, by first convincing them and then sending them to her, was certainly the most hopeful method Mr. Spencer could have devised. The state of the girls mind, and the manner in which Mr. Griffith sought to influence her, sincerely we do not doubt, may be seen by what he himself testifies in regard to his interviews with her, viz: "that she was *very sorry* the story had got into existence; that he, Griffith, told her if she was called to testify, she must tell the *truth*, and *not* tell a *lie*; that she would be blamed for having *let out* (or told Ann) a story and then not to prove it, or (as he explained) not to adhere to it; that she had better tell the *truth*, &c." (page 15.) Now there was evidently a *conflict* here. By "telling the *truth*" he evidently meant *confirming* the story; and by "not telling a *lie*," not *denying* the story. He found it necessary then, not *merely* to advise her to *testify*, but to *confirm* the story, and not only so, but he took the negative side, and warned her if she should be called as a witness, *not* to tell a *lie*, or *deny* the story.

The whole account Mr. Griffith gives of the interviews with her, from first to last, though short, exhibits this conflict between his belief and advice, and her consciousness and inclination, he urging her to *confirm*, and she disposed and determined to *deny* the story. His whole language implies it; for surely the only way in which she could *lie* in the apprehension of Mr. Griffith, who *believed* the story, was by *denying its truth*. He told her she would be blamed, to let out a story and then not to adhere to it, or in other words, would be chargeable with falsehood, if she should take the stand and then deny that she told Ann the story, or swear it was not true. Now we put it to the reader candidly, whether it be, or be not clear, that Mr. Griffith, believing from the strong representations of Mr. Spencer, that the story was true, was urging her to confirm it, and that she was reluctant so to do, on the ground that it was *not true*, and whether or not any thing can be more obvious, than the girl's yet continued determination to acquit Mr. Fowler, as she hitherto had, most fully, of all improprieties of conduct toward her, or connection with the story?

But we invite the reader to another and still stronger portion of the testimony, and with it we are willing to leave him to judge whether both [Dr. Rathbun and Mr. Griffith, did, or did not find her inclined to deny the story, and address her fears, telling her she must not deny it, if she did she would be regarded as a liar, and lose her character and standing in society and the church, till at length she *did* confess the story, but did it simply and *only* to save herself from the *consequences* of refusing. Let us see. After these operations with the girl had been some time in progress, Hughes, her husband, said to a person, that the matter had got at last where his wife would be *obliged* to swear that story on Mr. Fowler, or be *ruined herself*. This is what he himself testifies. "I said," (says he,) "that my wife was *near* to me, and I saw the matter had got *so far*, that *one* of the two characters, (Mr. Fowler's or my wife's) had GOT TO BE BROKE." "I considered it of the *first* importance to preserve and defend my *wife's* character." "I was afraid she would get into a *trap*, or (as he explained,) be made out a *liar*." These and other similar expressions did he frequently employ about that time, (pp. 12 and 13.) Corresponding to this, a witness swears that Hughes told him "that his wife would now be *obliged* to testify to what she told her sister, or she would be *accused of being a liar*; that she was very *dear* to him, and if she *should* be accused of anything of that kind it would *trouble him very much*, and that she being his wife, he would rather Mr. Fowler's character should be injured than *hers*, (pp. 16 and 17.) Such were the final effects of Mr. Spencer's perseverance in pressing the girl through the agency of the two men who, of all others, had the most influence with

her. We might refer to other portions of the testimony of the same import, but we forbear. Now we put it to the reader to decide, whether this language is not plain and unequivocal? Can there be but one meaning given to it? Was there any other way, (we enquire again,) in which she could be regarded as a *liar*, but by *denying* the story? Suppose she had *confessed* it, but simply *refused to testify*, (the only other supposition implying the necessity of urging at all,) would that have been in any sense a *falsehood*, or an exposure to such a charge? And would it not have been a *perfect absurdity* for them to tell her, and for her to believe, with so much *solemnity* on their part, and *feeling* on hers, that her *veracity, character and standing* would be ruined, merely for not *testifying* to what she *acknowledged* to be true? If this only had been the state of things—if she had confessed at once the truth of the story—nay, if she had not been actually inclined to *deny* it, where would have been the necessity or propriety, or common sense of urging her so long and strenuously, and by *such motives*, viz., that she would be branded as a *liar* and be ruined; and how do you account for all her own and her husband's feelings, that the matter had got into a form where she *must* yield to their wishes, or be regarded as a liar, and lose her character and standing? Is not the whole affair as clear as a self-evident proposition? Does not the very fact alone, if we had no other, that they held before her this fearful alternative of doing as Mr. Spencer requested, or of being branded as a *liar* and ruined; and that she and her husband felt so keenly that there was now no escape from one or the other; and their frank and honest confessions that this was the reason why she testified as she did; does not this show as clearly as meridian light, that the question in her mind was, not merely whether she should testify to what she never had a thought of denying, but whether she should *deny* the story which she *knew to be false*, and by it be ruined, or confess the story, and by it save herself from such a doom? Can any one deny, or doubt, that she testified solely to prevent the consequences which Mr. Spencer had caused to be arrayed before her with so much ingenuity and terror? Is not the above a plain common-sense and irresistible interpretation of the testimony? Can any other be given without the most palpable distortions? Were any man to sit down to an examination of the facts thus presented, would not the first, the simple, the obvious, irresistible and only possible conclusion be, that Margaret was *influenced* to testify contrary to her inclinations and all her convictions? When the successive steps we have taken are retraced—when it is remembered that neither Margaret, nor Ann, nor the public knew anything of the story till it became necessary to have another witness to “similar acts,”—that Mr. Spencer had publicly pledged himself to the idea of Mr. Fowler's guilt, and

found himself in a condition where he must obtain another witness, or hazard the dreadful consequences to himself of a defeat—that the story was alleged to have been found by Mr. Spencer, as having come from the girl's sister, then dead, although neither she, the sister, nor the public, who had for months been excited and called on for facts against Mr. Fowler, knew or ever dreamed of the story before—that the girl herself, when it was first presented to her, denied it, acquitted Mr. Fowler of it, and of all improprieties, and repeatedly declared she never would confirm it, or anything else that would injure Mr. Fowler—that *strong influences* were then brought to bear upon her, and she saw that she *must* confirm it after all, or be *ruined*—that both herself and husband *confessed* in the plainest terms of honest ignorance, that she testified to *save herself* from these *consequences*—and finally, that when she did testify, Mr. Spencer hurried to take her testimony in Mr. Fowler's absence, in despite of his request for a few hours delay, and against the remonstrances of one of the Commissioners—and that the girl herself utterly refused to come into Mr. Fowler's presence, even to answer a single enquiry, though urged so to do; when all these things are, taken into view as matters of clear and unequivocal testimony, is it, or is it not [your opinion, reader, that Margaret Hughes was *influenced* to testify as she did, and that she would never have sworn that flagrant outrage on Mr. Fowler, if she had not been thus pressed secretly to violate alike her conscience and her feelings? Can you, or can you not entertain a doubt on this subject? Would she ever have been subjected to this trial, if “another witness to similar acts” had not been *required*? And let us put the question to you candidly, reader, setting aside all prejudice and seeking only the truth, when you look at *all the facts* in the case, do you not in your very soul feel inclined to hold some *other agency* more responsible in this affair of the “improper liberties,” than either Mr. Fowler or Margaret Hughes? Can you not see that inveterate “agency,” bent upon the condemnation and ruin of an innocent man, standing behind the curtain, and first deluding, and then sending out to accomplish his purposes, the honest but mistaken instruments of his shrewd and subtle design; taking his unhallowed position on the *grave* of the *dead*, to whom no appeal could be made, and then wielding the *authority* of that dead with *frightful alternatives* upon a weak and timid survivor; holding as it were, to the cold lips of a poor breathless girl, who, when alive, never thought of such an insult, a *trumpet*, and then with matchless skill and relentless perseverance, imitating its blast upon the *feelings and fears* of the sister, till he succeeded in forcing from her a testimony as evidently inconsistent with her own inclinations and conscience, as it was unjust and cruel to the accused. Are not something like these the reflections which would

force themselves upon every candid mind upon a careful review of the testimony in this case?

Now we do not charge, in direct terms, anything criminal upon any one. It is not for us to scan the *motives* of any. That those who were sent to the girl by Mr. Spencer were sincere, we can easily believe. Whether Mr. Spencer himself thought Mr. Fowler guilty of that insult, and really believed that Ann *had* told the story; that it came originally from Margaret, and was true notwithstanding her denials of it, and that she ought in duty to testify as she did, or whether he found in the course of his enquiries that the girl had said that she had been insulted by *another man*, and Mr. Spencer strangely or willfully mistook Mr. Fowler for that man, of course we do not know. We leave all to judge for themselves. Our object is merely to present facts in evidence; and if we ever attempted anything from a sincere conscience, with kind feelings toward all concerned, and from a high sense of duty, it has been this brief review of a small portion of the testimony in this case. We have been sorry, and it has cost us many a sigh, to be compelled to do even this. But from the first view we had of the facts in Mr. Fowler's case, we have been deeply and affectingly impressed with the undoubting conviction that he is an innocent and greatly injured man. We have endeavored to be both kind and candid, and have done no more than was absolutely demanded by our sense of justice to Mr. Fowler. Many other things that have transpired in the history of this case, and which would have been vastly more calculated to awaken the surprise and indignation of the reader toward the leading committee of prosecution, in their endeavors to convict Mr. Fowler, we have designedly and studiously passed by in silence. We have said nothing of Mr. Spencer's secret operations with Mrs. Sammons, and others, to destroy the effect of their testimony, and many other facts that are known to those familiar with this case, and which, if we had chosen, we could have wielded against him with vastly more power than any fact possesses to which we have alluded in this review. But we would not, if we know ourselves, inflict the slightest injury on him, any farther than absolutely compelled to, to relieve Mr. Fowler of the impressions against him, which we think have been most unjustly and cruelly produced, and we have exceedingly regretted the necessity to do even this.

There is one other point to which we wish to direct the attention of the reader, for a moment, in connection with this subject. It will be perceived by the testimony that an attempt was made to throw doubt upon the certificate which the girl gave, acquitting Mr. Fowler of all improper conduct toward her at any time. That certificate contains *two clauses*, as may be seen by turning to it on the bottom of page 11. The *first* clause states that Mr.

Fowler had always treated his *family* well ; the second, that he had always treated *her*, the girl, with perfect propriety. Now that about the time the subject of the story was first presented to her, and she was denying it, as already stated, she signed a certificate containing the *first* clause, was admitted on *all* hands and by *herself*. But that the *last clause acquitting* Mr. Fowler of the "improper liberties," was in the paper when she signed it, or that *she knew* it was there, at the time she signed it, is attempted to be denied. All can see that after the girl felt herself compelled to confirm the story, the *certificate* was directly in the way; but it was supposed it could be disposed of by throwing doubt and suspicion on the *last clause*. In justice therefore to Jonathan A. Fowler, who took the certificate to the girl for her signature, we feel bound to advert, briefly, to a few considerations, showing that *last clause* to have been in the certificate when she signed it, and that she *knew* it was there. The reader will remember that there is no dispute as to the *reality* of the signature; her name was on the paper acknowledgedly in her own hand-writing. We proceed then to say *first*, that the signature of the girl is as usual in its proper place, *below* the last line on the paper. If then the last clause was inserted *after* she signed, and inserted, as of course it was, *above* the signature, or between the *first* clause and the *signature*, then it follows that there must have been a *wide space* between the first clause and her signature; wide enough to admit about four lines of the coarse writing in which the paper was written, and therefore that she signed her name *that long distance below* the last line of the paper as it then was, which is unusual and not to be supposed. This fact shows that the *last clause was in* the paper when she signed it. But still farther to show this, and that both the girl and her husband *knew* it was there at the time, we observe again, that J. A. Fowler, the bearer of the paper, openly and frankly *gave it to them* to read. They testify to this, and Hughes says distinctly that he read it, while *all* swear that after this, and *before* she signed, the bearer *read* it to her distinctly, we believe twice, (pp. 10 and 13,) and he swears that he read the *whole* of it twice, (pp. 16 or 17.) This certainly looks, from *their own* testimony, as though the last clause must have been in the paper, as no man, if he had wished to *deceive* them, would have thus freely committed the paper to their own *careful perusal*; and as though they must have *known* it was there, as they perused it, and it was twice *distinctly read* to them. And the reader should know that the prosecution before Synod, when the *signature* was seen to be *in its usual place*, conceded that the latter clause was in the paper when she signed, but claimed that she did not know it. The whole transaction, on the part of the bearer, according to *their own* testimony, was open, honest, fair and honorable, such as it would not have been had concealment and *fraud*

been designed, and there is no doubt, from the fact that they read it deliberately, there being but two simple sentences, but they understood all the contents of the paper. But if the reader is not satisfied yet, we think the following in addition, will place the subject beyond doubt. Hughes said when the paper was first presented for his wife to sign, "I took it and *read* it; I don't know as I got *all* the words; I then told him," (the bearer,) "that I didn't know, I wanted *time to think* on it, and I would let him know *next week*. (see his own testimony p. 13.) Then when his wife took it he said, "he was *afraid it would bring her into trouble*;" and again, "that it would get her into a *trap*," or (as he himself explained,) "that she would be regarded as a *liar*, if she signed the paper," (see pp. 13, 14 and 18.)

Now we ask the reader if all these reasons for not signing the paper are not precisely *the* reasons they offered all along in this affair when the subject of confirming *the story of the "liberties"* was before them? Did not both Hughes and his wife manifest the same feelings and use the *same identical language* when the question whether she should or should not swear to *the story of the insult* was presented to their consideration? Is it not clear then, that the question with her, in *signing the paper* was whether she should or should not *acquit Mr. Fowler* of the "*improper liberties*;" and therefore is it not undeniable that the *last clause must* have been in the paper, and that they *knew* it was there? And besides, how could she be "*made out a liar*" for simply signing that Mr. Fowler had treated his *family* well? This would be ridiculous. And why should they *hesitate* and be so fearful of "*trouble*," and want *several days* to "*think on it*" if the first clause *only*, or that referring to the *family* was in the paper? On the other hand, just admit that the question in the mind of him and his wife when the paper was presented, was, whether she should sign to *acquit Mr. Fowler* of the "*improper liberties*"—let *this* be supposed to have been the important portion of the paper to which their attention at that time was exclusively directed; and remember also, that Mr. Spencer and others, precisely at this time, were commencing their operations to charge her with having told the story of "*liberties*" to Ann, and to urge her to confirm it, and *then* the wanting of so much "*time to consider*" and the fear of "*being called a liar*" if she should sign it, and every thing else in the interview as *all* relate it, is *clear* as the sun, and consistent as nature. Both Margaret and her husband, therefore, *knew* at the time she signed, it that the *last clause was in the paper*. But to render the thing *doubly* certain, the reader will see by turning to it, (pp. 10 and 11,) that the girl herself, in the account she gives of the interview when the paper was carried to her to sign, and of all that was said on the subject of the paper, pro and con relates, the *whole*

conversation between the parties as referring almost exclusively to the *last clause* in the paper, the *story about the "liberties."* But if the bearer of that paper went to her exclusively to get her to sign that Mr. Fowler had treated his *family* well, and if they hesitated, reasoned, were afraid of "trouble" and of her being charged with "falsehood," how did it happen (aside from the absurdity of such hesitation and fear,) that the *whole conversation* of the interview from beginning to end, as *all* relate it, was entirely and *earnestly* on the subject of the *latter clause* of the paper, or Mr. Fowler's alleged *ill treatment of her*? If the question alone of Mr. Fowler's conduct to his *family* was the grand absorbing object that brought the parties together, and that led to so much urgency on the one side, and fearfulness on the other, why should not *that* question, instead of the subject of the *liberties*, which they now claim she did not know was in the paper, have been the topic of remark? In all the conversation about signing the paper—in all the reasons assigned *for* and *against it*, the "*story of the liberties*," and not Mr. Fowler's treatment of his "*family*," is the theme, the grand theme, and the almost exclusive theme, connected with almost *every word* that was uttered on either side as a reason for and against her signing the paper. Would this have been so if not a word had been said about the story of the "*liberties*" being in the paper, and no request had been made to them on the subject, and they had not known or dreamed that the story of the "*liberties*" was in the paper? We think no reader can entertain a *doubt*, in view of all the above mentioned facts, that the girl *knew* when she signed the paper, that she was *acquitting* Mr. Fowler of the alleged *insult* which Mr. Spencer had said he had offered to her. We could adduce from the testimony *many other* reasons equally strong with the above, but we think those already offered are *amply sufficient*.

Mr. Spencer thus found that the girl, before he had time to prevent it, while she was yet determined not to yield to his wishes, had honestly and frankly given a certificate acquitting Mr. Fowler of all improprieties of conduct toward her at any time. She did it with some little reluctance, as she said, from a fear of the consequences. But she doubtless thought that Mr. Spencer *could* not go so far as to press the matter to her injury and peril, after she had thus decidedly declared the truth in the case. But she was mistaken. Mr. Spencer yet claimed to believe Mr. Fowler *was* the author of the alleged insult, notwithstanding her denials, and pressed upon her the alternative of confirming it as such, or of being regarded as a liar for telling Ann the story and then denying it, and thus being ruined. But how could it now be done? The reader will see that there was no way of disposing of the *certificate* but by first taking the ground that the bearer of that certificate had been guilty of *fraud and perjury*. But this alone

would not answer. The question would still arise, "how *came* she to *sign* the paper?" Here two things were necessary, first that she should be brought to deny that *she knew* the last clause to be there, or say she had done the strange thing of signing a paper not knowing its contents: and then, as some *reason* must be assigned for this ignorance, as she had *taken* the paper into her hands, she must say she could not *read* a word of writing in *English*. All this, and *precisely* this, must be done before the certificate could be disposed of; and the reader will see that this was exactly what was done. The ground *was* taken that the bearer of the certificate had committed *fraud and perjury*, and the girl *did* swear, though in a very singularly evasive manner, that she signed the paper *not knowing its contents*, and then, as a reason for this ignorance, and for the strange act of signing a paper thus rashly, she *was* made to say when on the stand, that she could not *read*, and *knew nothing* about writing in *English*, while at the *same time* she acknowledged that she took the paper to read and she herself wrote her name, &c., on the certificate, which was shown to Synod and was as *fair and correct a hand-writing IN ENGLISH (!)* as will usually be seen. And then, she was educated in this country from her first "breathing of life," and was as little a foreigner in most respects, as the broadest yankee girl in the land. Thus was she made to swear in almost the same breath that she *could* write, and *had* written a fair hand in *English*, and that she could *not* read, and *knew nothing* about writing in *English* at all. These are stubborn facts in the testimony, (see pp. 10 and 11.) Now we do not say that Mr. Spencer, in all this, did not act conscientiously. But we *do* say, that most men, when they found after careful, unremitted and most extensive enquiry, that nothing, not even an *impropriety* could be discovered against Mr. Fowler, except the alleged conduct reported by Delano, and that whatever might be true or false in respect to that, Mr. Fowler was then a wretched and *irresponsible maniac*—when all this was discovered, and it was found after the most diligent investigation that none of the "female domestics," knew aught against Mr. Fowler, and that *this* girl had *denied* the story of the "liberties" at least as belonging to him, and had *deliberately given a certificate to that effect*—most men we say would have given up their "*convictions*" of Mr. Fowler's guilt and abandoned the prosecution; much less would their convictions have still been so strong and *increasingly irresistible*, as to make it a matter of high moral obligation and christian duty, to charge the bearer of that certificate, a man of hitherto an unimpeached character, with both *fraud and perjury*, and influence the girl by threatening her with *ruin*, to swear that she signed a paper *not knowing its contents*, although she and her husband *took it into their own hands*, and then to swear that she knew nothing about writing in *English*, when she had *acknowledged a fair hand-writing in English* to

be *her own*. We say that the convictions of another's guilt must be exceedingly and mysteriously strong, to lead a man to do, and to influence a poor weak and ignorant girl to do *all this*, and the *existence* of those convictions in a case like the present, where there was no evidence to sustain them, is a greater *mystery* still.

We have now said all we intend to, and the very least we could in justice to Mr. Fowler and the cause of truth, in regard to the Margaret Hughes affair. We believe, and have had no doubt from the moment we were made acquainted with the facts in the case, that Mr. Fowler is entirely innocent of this charge. The facts all show it. And it seems to us it would be utterly impossible to explain those facts at all on the supposition of Mr. Fowler's guilt, and we have no fear whatever that any candid reader of the foregoing statements, all of which are in the testimony, and cannot be denied or doubted, will for a moment hold Mr. Fowler guilty of the alleged insult to Margaret Hughes.

And while we do not say that the course of Mr. Spencer with the girl, and in the whole affair of the "liberties" was a corrupt and fraudulent one—while we do not and shall not by any means say this, we confess at the same time, from the peculiarly unfortunate aspect of *all* the circumstances in the case, we do not wonder that the prospect of having to meet it before Synod, so affected his health that he was unable to attend the meeting of Synod when it was to be tried, although he had hitherto been the leading conductor of the prosecution. It was, perhaps, fortunate for him, though such causes are seldom subjects of rejoicing, that he was *taken sick, just at the moment* the Synod commenced its session, and was on that account *reluctantly* detained. And now, before we leave this subject, we wish the reader to distinctly understand that we have gone through with this review of a small portion of the testimony in the case, *not for the purpose of proving Mr. Fowler's INNOCENCE of the alleged insult to the girl*, but simply to show the subtle designs and adverse and determined influences against which he has had to struggle. The *grand* arguments employed to show his *innocence* of the "liberties" and the utter falsehood of the story, are entirely distinct from what we have here said. And they are not only distinct, the most of them at least, but they are *many*, and we think *conclusive*, and may be seen, (though they are but merely *stated*,) on pages 23, and 24. While therefore the partial review we have here taken of the case does, in *itself alone*, in our apprehension, prove Mr. Fowler's *entire innocence* of this charge of "ill-treating" the girl, we have gone through with it *only* to show the *reasons* he had for wishing to be present when the girl's testimony was taken, and also and *more* especially, to exhibit in the light of sworn evidence, and for Mr. Fowler's relief and benefit in the public estimation, the *strong, unalterable and unexampled determination* of Mr. Spencer and others, to leave nothing undone or unattempted that came within

the range of the remotest possibility, to secure his conviction and condemnation. That community should know something of this, seemed to us necessary, in order that they might apprehend the truth in respect to Mr. Fowler. And we therefore proceed to add to what we have already presented from the testimony, a few other facts, showing what Mr. Fowler has had to encounter in bringing out the truth in his case.

It will be remembered that *Mr. Haynes*, of Rome, was one of the Commissioners appointed by Presbytery to take the testimony in the case. This, as all know, was the most critical, and to the accused, much the most *important* part of all the preliminary proceedings. The two great branches of the office of Commissioners are, *settling questions* that are to govern the taking of testimony, and *recording* the testimony. Now any one can see how important it is that a Commissioner should be uncommitted, impartial and strictly conscientious; for whenever questions of order arise concerning certain species of testimony, however vitally important to either of the parties, the Commissioners have the discretionary power to determine whether it shall be *received* or not. And where there are but two Commissioners, as in this case, the opinion of the *chairman* is the law, even though the other dissent. And then, as to the *other* branch, the *recording* of the testimony, all can see that the *alteration* of a single word as it comes from the lips of a witness, may change materially the aspect of an important *point* in a case, if not the *entire* complexion of the *whole* case. And yet how easy is it for the recorder, in a long series of testimony, to change individual words, or even the *prominent parts* of an *entire sentence*, so as to give a *different shade* of meaning, or an entirely opposite sense. To illustrate, suppose you were taking testimony in a case where the *plea of Insanity* were set up as the ground of defence against certain conduct charged; and you wished, although a mere Commissioner, to aid the prosecution in making out a *case*, (if you will pardon us even in a *supposition* implying such *baseness*,) and suppose there were *two distinct* points before the witness, *alternating* before his mind by corresponding questions put to him, the one of *trifling*, and the other of *vital* consequence to the *accused*; and that when the witness spoke of the *first*, he meant the mere ordinary wanderings of mind under the action of a bilious fever, and he called it "*fever flights*;" but that when he spoke of the other and *important* one, he called it what it really was, *decided* ordinary *derangement*, and used this precise and unequivocal *phraseology*. Suppose then you wish to aid the prosecution to make out this case, (whatever the *truth* may be,) viz., that the accused *never was* deranged, in the common sense of the term; that his insanity, about which so much had been said, was nothing more than the ordinary and transient *wanderings of the fancy* in a *fever*. Now while the questions were *alternating*, first on one point, then on the other, how easy would it be

for you in recording the testimony of the witness, to *interchange his terms*, or rather to use but the *one kind* of phraseology, and when he was speaking upon the point that was *vital*, and using the words "*insanity*," "*derangement*," "*turns of delirium, &c.*," meaning *real mania*, and not the action of the mind in any fever, you put it down "*fever flights*," "*fancy flights*," &c., and then go before the court and aid the counsel for the prosecution to build on these *very expressions*, which you yourself have fraudulently put into the testimony of the witness, an *argument* to show that there was *no other insanity* but the mere common and momentary *flights of the mind*, under a burning *fever*. Any man can see that this could very easily be done in recording testimony, and thus the accused be most *corruptly and wantonly cheated* out of the *truth*, and perhaps condemned in consequence of that alone.

Now the two great branches, the *settling of rules* or questions regulating the *taking*, and the *recording* of the testimony, where there are two Commissioners, are *always*, and with the utmost *propriety*, *divided*—the *chairman* taking the former, and the *clerk* the latter duty. This is done that the Commissioners may be a check to each other, and that the parties, each of which chooses one of the Commissioners, may have equal justice done them. In the case of Mr. Fowler, the two Commissioners were appointed, the one to act as chairman, the other as clerk, as they themselves should agree. But to the utter astonishment of *all*, and in defiance alike of *custom* and *justice*, Rev. Mr. Haynes assumed at the very commencement, *both* the duties of *chairman* and *clerk*, thus *settling all rules* and *taking down* the testimony, which he did and *would* do from beginning to end. This would not have been so much to have been regretted, perhaps, although it was a strange and unexampled assumption, if Mr. Haynes had not at the outset taken such *strong ground against* the accused and manifested such *bitter and hostile opposition* to him. The reader has seen the *great amount* of testimony in this case; and Mr. Haynes recorded the most of it from the lips of the witnesses, while at the same time he decided what *should*, and what *should not* be taken at *all*. But this was not the end of the matter. He was very active before the Presbytery—aided Mr. Spencer in conducting the prosecution against the accused by *frequent communications* with and *suggestions* to him, and then sat as *judge* in Presbytery to decide on the merits of the case. And finally to crown the whole, he went before Synod and acted as *counsel* for the prosecution.

The course then of Mr. Haynes in this case has been as follows: First, imbibing hostile feelings toward Mr. Fowler, committing himself to the idea of his guilt, and receiving and accepting a nomination from the *prosecution* as one of the Commissioners to take the testimony—then instead of *assisting* in accordance with his appointment, assuming the duties both of *deciding ques-*

tions of order, and what *should* and what should *not* be recorded, and of *taking down* the testimony — then consulting almost constantly with the prosecution, and thus of course understanding what they wished to *sustain* and what to *overthrow*, and therefore what testimony, phraseology, &c. would suit them best — then going before Presbytery and himself *reading* the testimony to the body, giving his own *emphasis*, &c. &c.; then consulting with, and suggesting to, the counsel for the prosecution as he did to the surprise of all, during the progress of the trial, manifesting much interest; then acting as one of the Presbytery to *judge* on the merits of the case, making a speech and deciding against Mr. Fowler — and finally, when the case was appealed to Synod, acting before that body as *counsel* for the *prosecution* and taking a very warm and decided part in the proceedings. The above is all true in regard to Mr. Haynes. Some of it is not in the record, and therefore the reader has not, as he has in what has gone before, the means of judging of its truth. But we hold ourselves ready to prove it at any time. Now Mr. Haynes was appointed, as we have said, solely for the purpose of acting either as chairman or clerk in the taking of testimony. The office of Commissioner, is, as it were, the office of a *judge*. It is his business to see that the *exact words* of the witness are *fairly* and *carefully* taken in the midst of conflicting parties each seeking perhaps to pervert the testimony. And the Judge of a *court* might with quite as much propriety as an ecclesiastical commissioner, if not more, considering the *religious* capacity of the latter, take decided ground in favor of *one of the parties* before him, and himself insist upon *recording* the testimony in his own way and in a manner to *favor* that party, and keep up a perpetual *consultation* with the counsel on that side, showing openly by all his conduct that his *feelings* were all with *them*, and manifesting an absolute determination to do *all he could* for *their success*. But where is the community, even in the most *barbarous* governments, that would for a moment *tolerate* such a Judge! And in this country would not such conduct on the part of any judicial officer consign him to *infamy*? The Commissioner appointed by *Synod* when the case was appealed to *them* (a member of Oneida Presbytery,) also acted first as *chairman* and then *took down* the testimony, and finally went before Synod and acted as *counsel* against Mr. Fowler and summed up the whole case on that side.

We have thus hinted at a few of the many facts in this case, that go to show *how much* Mr. Fowler has had to contend with, and we have done it solely for this purpose. The strongest possible impressions have been made against him upon the public mind. And even now, after an ecclesiastical tribunal have all but unanimously pronounced him innocent, in consequence of the previous state of things, he has much to encounter in the opinions of community. We have therefore thought it our solemn duty to

allude to these facts and to the course of the above mentioned gentlemen, just so far, and no farther, as we thought was absolutely necessary to remove those impressions from the public, and place Mr. Fowler and his case before them in the simple light of truth. It give us infinite pain to be obliged to speak of these clergymen as we have, although we have endeavored to be as cautious as possible, and still bring out to view a few facts which we have thought it essential, as a matter of obvious justice to Mr. Fowler to be known. We are aware that we are subjecting ourselves to the censure of these gentlemen, and perhaps of their friends. We are exceedingly sorry to place ourselves in such a position. But what could we have done? We know the influence which their opinions in regard to Mr. Fowler have produced, and are yet exerting. We have seen too, that like all other men, they are liable to prejudice, and to mistaken opinions and feelings, and that in this case, which we confess has been one pre-eminently calculated to excite, they have, we think, permitted their feelings, pledges and pre-asserted opinions to overrun and blind their judgment and conscience. They have all along manifested the strongest possible determination to convict Mr. Fowler. This has been so apparent to all, that spectators have often broken out in exclamations of indignation at the sight of it. And holding the station and influence they do in community, we put it to the reader to say what was our duty in respect to them.—Should we have preserved a profound silence in regard to their course, when the proofs were before us in their own recorded proceedings, and thus leave their opinions of Mr. Fowler even now to have all the weight of a candid, impartial, and unprejudiced judgment? Should we have left them to give *their* version of the case, however honestly, and have kept back from the public what we know and have proved to be the truth? In this fallen and perverted world, is it not essential to the ends of justice, and therefore always proper, that an impartial community, especially in a case of interest and importance, should have both sides of a question? In attempting to set forth Mr. Fowler's case in its true light, that he might be relieved of certain injurious and ruinous impressions that have been produced against him, would it have been right in us, as lovers of truth, as honest men, to leave out of view facts which we knew to be absolutely essential to the accomplishment of this end? Is it just that Mr. Fowler, or any other man, should suffer of his fellow-men the loss of his character, and with it of course the loss of every thing else worth preserving in existence, simply because the truth, when revealed, would act unfavorably upon others? Why are their feelings to be regarded any more than his, especially where they have been the voluntary actors, and he the object acted upon? If we could have done justice to him and to truth, without a reference to the course of these gentlemen, with infinite pleasure should we have

passed them by in silence. We sincerely believe it has given us more pain to record their course, in this case, than it will them to have had it recorded. And before God, and as amenable to his bar, we solemnly affirm that we have done what we have with no unkindness, prejudice or hostility to them, but on the contrary with the deepest and most heartfelt regret for the necessity that seemed to be laid upon us; and we long hesitated, from feelings of mere tenderness toward them, what course to take until compelled by a high sense of duty to do as we have done; and even now, from the same feeling, we have witholden many, very many circumstances. We might assert and prove many things which for their sakes, for the honor of religion, of the church, and ourselves, who have had a certain connection with this case, we chose to pass over in silence. The case of Mr. Fowler, in our apprehension, has been almost, if not quite, without a parallel in the history of judicial proceedings, either civil or ecclesiastical. We have neither time, space nor inclination to enumerate, much less to describe the difficulties and obstacles that have been interposed through the whole progress of taking the testimony. A multitude of adverse influences have been pouring in upon him from beginning to end. Representations have been constantly made, at which those who were familiar with the facts we believe were utterly astonished, and some of which awakened not only amazement, but the deepest and most heartfelt grief. And as a consequence, his case has taken a form before the public that has placed him in a light entirely false, and given him a character not at all sustained by truth, or a single fact in evidence. And even now, although a large body of intelligent judges away from the *locality* of the parties, have, after a thorough investigation of the facts, pronounced him *innocent* by an *all but unanimous* vote, and that too under circumstances in which such an almost unexampled unanimity was not to be expected; yet we have discovered with a sorrow and grief that has wrung from our hearts many a sigh, that the most unwearied efforts are made, and devices adopted, to attribute that decision to *other* than its *true* causes, and to *keep alive* in the public mind the impressions of Mr. Fowler's guilt. We confess we have been utterly astonished at this. We were not, after all we have seen, prepared for this *following up* of the accused by *such means*. We have been disappointed and shocked to find that Mr. Fowler is even now, in addition to the above, personally treated with a degree of indignity, scorn and contempt, which we do not believe the vilest wretch that ever committed crime would have received at their hands. Two or three weeks after Mr. Fowler's acquittal, he entered a place of worship where Divine service had been appointed, and engaged in, and sat down on a seat on which the Rev. Theodore Spencer was sitting at the time. Mr. Spencer, although there was an abundance of room, *instantly left* his seat, evidently *excited*, and with a *contemptuous manner* that was

observed, we presume, by all present. Now we do not wish to complain or censure; but as we have said, Mr. Fowler's true character and position in this unfortunate case can be fully made known and appreciated, only by showing the feelings, the dispositions, the motives and conduct of his *prosecutors*. In the early stages of this affair, and it is even now true to some extent, the public derived their views and opinions of Mr. Fowler, and his case, from the representations of these men. Is it not thus important to a right apprehension of the matter, that *their prejudices* if they have any, or in other words, that the *state* of their *minds* toward Mr. Fowler should be *known*? For this always affects the judgement of any mind, on any subject. Was then the act of Mr. Spencer above mentioned, indicative of no prejudice? What did that exhibition of his feelings evince? Was it a christian spirit? Is there a *murderer* even, no matter how deeply stained with innocent blood he may be supposed to be, though acquitted, from whom, should he enter a place of worship, it would have been justifiable in a *minister* of the *Gospel* to *flee* with such evident and contemptuous expressions of *disgust and malice*? Was this the pattern of his Master—the manner in which *He* treated sinners when they came into his presence, even on *ordinary* occasions? Was this a practical exemplification of those doctrines which Mr. Spencer so often enforces upon others with all the *outward* emphasis of melting tones and tearful eyes, “to *forgive* as they would be forgiven,” “not to render evil for evil, but to *overcome* evil with *good*,” “to turn the other also, if a man should smite them on the one cheek,” “to love their enemies,” “to be *kind* to the *evil* and unthankful,” “to take, as did the meek and loving Saviour, the *lowest seat* in the synagogue, and even among *publicans and harlots*?” Even if Mr. Fowler had been proved guilty of the *basest* conduct, and that conduct had been directly aimed against Mr. Spencer, would this have been the proper deportment on such an occasion? If he felt himself contaminated and disgraced by sitting on the same seat with Mr. Fowler, the dictate of every *gentlemanly*, not to say christian feeling, would have been, it seems to us, to have *endured* the revolting contact for a few moments rather than to have made *such* an exposure of the feelings that were *rankling* in his bosom. But Mr. Fowler had just been signally and triumphantly *acquitted*. Was not this conduct then an insult to that large and respectable body of his judges, as well as to him—to *their opinions* as well as to *his feelings*? And has it indeed come to this? After a man who has been accused, hunted down and trampled, as it were, in the dust, has been taken up and by proper authority, and the most unexampled unanimity on the part of that authority, has been restored again to his former character and standing, is he then to be *publicly* insulted, and have his already lacerated heart stung to the quick with

mortification and grief, and that too by a minister of Christ, in the very courts of the Almighty? Is he thus to be made the object not only of *private* and unrelenting hatred and injury, but of the public gaze of a religious assembly, by receiving marked and gross *indignities* when he quietly seeks to relieve his burdened heart by taking a humble seat in the places of Divine worship? Is Mr. Spencer's "love of purity" so strong, that even the *sight* of one triumphantly acquitted of a charge, itself involving *no crime*, awakens within him an *indignation* which neither the house of God nor the restraints of a gazing audience can restrain from a gross and tempestuous outbreak? Is Mr. Fowler to be thus insulted whenever he attempts peacefully and unostentatiously to perform his devotional duties to his Maker, and in places too, which from their very *sanctity* ought to be a protection to the vilest, against the personal abuses and insults of their most relentless foes? Is conduct, involving such rude violence, not only to the feelings of a fellow-creature, but to the sacred associations of the sanctuary, to be tolerated in one who claims to be an ambassador, and to possess the spirit of the meek and lowly Saviour? It is true this conduct occurred after the meeting was dismissed, and a part of the audience had retired. But this does not in the least change the aspect of the case. A portion of the assembly were there and in their places, and several clergymen, and others from abroad were present. And before these, Mr. Spencer started from his seat the instant Mr. Fowler sat down on the same, and fled, as though he had been approached by the moral putrefaction of a more than earthly criminal, and with a general manner of scorn and contempt, which none failed to see or understand. Now we submit, that if Mr. Spencer is not satisfied with having followed up his victim as he has for nearly two years, depriving him of health, friends, character, happiness, and proclaiming abroad through the church and the land, reports against him of the blackest import, and which were as baseless and truthless as they were flagrant—if he still wishes to pursue and goad a man, who, as it now turns out and must long ago have been known to him (Mr. S.) has been guilty of no greater "crime," than that of being the unfortunate victim of the *worst of all* diseases, *insanity*, let him do it in *private*, or any where *else*, rather than in the *house* and before the *altar* of God, and least of all *before the very altar* where Mr. Fowler once ministered, and around which cluster, we doubt not, the most sacred and tender associations of his heart. For it was in the lower room of the First Presbyterian Church, in Utica, in which the transaction occurred; the spot where Mr. Fowler had stood for years, under circumstances of so much solemnity and interest, to hold communion with God, eternity, and his once confiding people—and where, of all places in the world such an *outrage* of his *feelings* would be likely to be the most *keenly, bitterly, and grievously* felt.

Now we confess to the reader, that on this latter topic of remark, (Mr. Spencer's act in the church,) we have departed, perhaps, from the *uncriminalizing* spirit and language which we have most sedulously endeavored to preserve in all we have *before* said in regard to the proceedings of these gentlemen. But, as we have evidence to believe they are still busy with the public mind, we have thought it but an act of justice to Mr. Fowler that we should speak in substance as we have, that the *public* may the *better judge* of his case. For surely the opinions and declarations of *no* man under the influence of *such feelings*, as this conduct of Mr. Spencer indicates, are entitled to as much weight as they would be if *no* such feelings existed, or no such manifestations had been made. If however the reader should think us in fault for thus recording what we have in reference to that conduct, we trust he will attribute it to an error of the judgment, and not of the heart.

We have thus occupied the attention of the reader at considerable length upon one view of Mr. Fowler's case, viz., the *violent prejudices*, the *preconceived feelings*, &c., existing on the part of those who originated and have conducted these proceedings against him, and the *formidable difficulties* that have been thrown in his way in working out his defence. We say again, that we believe his case to have been in this respect *without a parallel* in the history of judicial proceedings, either civil or ecclesiastical. All, we believe, who have taken an *official* part in the matter from beginning to end, and who of course had it *in their power*, especially in the taking of testimony, to *prejudice* his case, to suppress facts, to give *coloring* to testimony, to determine rules that might operate with great injustice to the *benefit* of the *one*, and to the *injury* of the *other* party, and in a thousand ways to keep back the truth and to perplex and defraud the accused—all, we say, who have had *this power in their hands*, have been his *open, decided, and active opponents*, *practically committed to the idea* of his guilt. We except, of course, Rev. Mr. Brisbin. But he was entirely *superceded* by the strange *assumptions* of the other Commissioner, Mr. Haynes. Hence it can easily be seen that in the progress of a case as *protracted*, and made up of such a *variety and multiplicity of details* as the present has been, there would be things transpiring, where there was such a *determination to convict*, which it would be alike tedious and unpleasant to record or peruse. We hope therefore that Mr. Fowler's friends, however much they may desire or think it demanded that *all* the principal and most flagrant proceedings should be made public, will be satisfied with what we have already presented in regard to the influences and devices that have beset him. Of course no adequate conception can be had of the *real features* of such a history of proceedings, but by actually *mingling* in its details as they *transpire*. No limits can be assign-

ed to the *injustice* that may be done where the *inclination* and the *power* both exist in their full strength. And to go back and bring out to public view all the various and multiplied acts, devices and developments of feeling that have transpired through the long and crooked windings of this case, and on many of which the eye would *flutter* and the heart *sicken*, we have as little of inclination as we have of time and space. We leave that history, with all its numerous and melancholy phases and instances of *injury* done to the *feelings and rights* of those most deeply interested, *uncovered and untouched*, till the day that *reveals and rectifies* all injustice shall reveal and rectify it. We have done enough, we think, thus far, to furnish the reader with a clue to the general positions, feelings and courses of the respective parties in the case, and to give him an outline view of what Mr. Fowler has encountered. *More* than this, our own feelings and a regard for the feelings of those implicated, would have *prevented* us from doing; *less* than this, a sense of duty and imperative justice to the accused that he may be judged in the light of *truth*, and not from the *representations* of his *enemies*, has *forbid* us to do. There is one thing in regard to this that we trust the reader will *not forget*. It is that in the whole progress of our remarks hitherto, we have given all along at every step of our advance, a *distinct reference* to "*chapter and verse*" of *the testimony*. We have proceeded on the sure ground of the evidence alone. We have been careful that our assertions should be fully sustained by the facts recorded and given under oath. These facts are before the reader, and he can examine and compare for himself.

PROCEEDINGS OF PRESBYTERY.

We have already hinted (and the reader needs no hints at all to discover from the record alone,) at the injustice of the proceedings of Presbytery when the case was presented to them. We have shown that they came near to trying Mr. Fowler before he had recovered from his illness, and without the forms of investigation, witnesses, &c. &c., even unheard and essentially undefended. This was urged by Mr. Spencer and others, and as we have said, was prevented only by a *bare majority* of Presbytery. It was contended that there was *no doubt* of the *truth* of *all* the charges, and therefore the *forms* of trial were unnecessary and might be dispensed with; at least, if this ground was not *openly* and *formally* taken before Presbytery (and if our memory serves us, we think it *was*,) it was *publicly asserted* by Mr. Spencer and others, and was their *plan of proceedings*. Now the real and cruel *injustice* not to say unheard-of *iniquity* of this course, can be *fully* seen only in the light of *another* fact. The charges and specifications then before Presbytery amounted in the whole to near a dozen. All of them were *flagrant*, involving

Mr. Fowler in a *degree* of guilt that seldom has a parallel even among the most *abandoned* of our race. But when the subject came to be *investigated*, but *two* out of the almost dozen were sustained. Those two of course were the story of *Delano*, and the girl *Margaret*. But this is not what we wish the reader *more distinctly* to observe. They not only found *no proof whatever* to sustain the other charges, but the most *amazing* and *astounding* feature of all, is, that when the large number of witnesses whose names they had *recorded* in the *indictment* as ready to swear to those charges, came to be consulted, NOT ONE OF THEM HAD EVER HEARD OF THE CHARGES BEFORE OR OF THE ACTS THEY ATTRIBUTED TO MR. FOWLER! They were as *utterly ignorant* of any such acts on the part of the accused, or of any *proceedings whatever* against him as though they had never entered even the *imagination* of the *Prosecution*. Now we do not believe another such instance of *gross injustice* and departure from all *law* and *custom* could be found in the history of organized society. Here they had tabled a series of charges against Mr. Fowler implying the *foulest* and *basest* conduct, and had by this formal act and by *direct*, *frequent*, and *public assertion*, proclaimed to the world that they were *true* and that certain responsible individuals would *swear* to their truth, when they had *never consulted* one of those individuals, and knew not, and cared not to know whether they would testify or not. Those individuals not only were ignorant of the facts they had charged, but when called on the stand by the persevering determination of the accused himself, they swore with *utter astonishment* that they never *had heard* of the alleged acts or of *anything whatever* against the accused. Messrs. Hayes & Tredwell, for instance, thus declared under oath. The indictment charged Mr. Fowler with *intoxication* at their hotel, the Franklin House in New-York. But they swore distinctly that Mr. Fowler, who had often boarded with them, had *never drank* "*anything stronger than tea and coffee*" there, that "if he had they should have *known* it, that his deportment there was *always* that of a gentlemen and a *christian minister*, and that they had *never been consulted* or *known* of the charge before." Now to say nothing of the gross violation of our *rules* by this course, for the constitution requires that no charges shall be tabled without *first ascertaining* what can be *proved*, that no *wrong* shall be done where it can be avoided, who ever heard of such *injustice*, *gross* and *palpable* to the *last degree*? Here were charges of the most foul and flagrant character put forth to the world, and it was openly and *positively* declared by Mr. Spencer and others, that certain well-known and credible individuals would *swear to their truth* — they *circulated too* with *those alleged vouchers* throughout the church and the land, till the whole community had settled down into the

full and firm conviction of their truth, and of Mr. Fowler's guilt, while at the same time, they were not only *not true* but not a *single step* had been taken or *finger lifted* toward *ascertaining* whether the witnesses whose names had been employed to give *force* to the charges, and who it was said were thus ready to swear, did or did not *know anything about* them. But this is by no means the *worst* view of the picture. Mr. Spencer and others, in the early stage of this affair, before any witness of any kind had been called or consulted, and without the forms of a trial, *urged* the *immediate conviction and deposition* of Mr. Fowler for the acts alleged, on the *ground* that there was *no doubt* of the *truth* of all the charges, and that these individuals were ready to *swear* to their truth. We ask the reader if ever a position like this was taken before in a civilized country? Here we find Mr. Spencer and others, seizing upon the *names* of certain individuals, and representing them as *ready to swear* to certain charges he then had before him, and calling on Presbytery, on the *ground* of the high *authority* of those individuals, and the *certainty* that they would swear thus and so, to convict Mr. Fowler *at once* without the forms of investigation, &c., when at the same time he had *never consulted* one of those individuals, and they were utterly *ignorant*, not only of the acts charged, but of *any proceedings* whatever against Mr. Fowler. And this proposition of Mr. Spencer and his friends, let it be remembered, was defeated only by a *bare majority* of Presbytery. We know not how to speak of this proceeding. To call it *injustice* of the grossest kind, both toward the accused and the pretended witnesses, would seem to us *too mild* a term. But as we are determined to restrain our feelings and language to a tone of mildness and christian forbearance, we will call it *injustice* and let it pass. We cannot, however, refrain from asking the reader one question—how came Mr. Spencer and others, with these charges? Where did they get them? Who told him that Hayes and Tredwell had seen Mr. Fowler intoxicated in the Franklin House, or that Edward Price had seen Mr. Fowler, (as was alleged in the charge,) go into a brothel, which *all these gentlemen most unequivocally deny* under oath? They must have originated *somewhere*, and in some *individual mind*. Did Mr. Spencer himself, in his anxiety to convict Mr. Fowler, *dream* out these charges as coming from these gentlemen in some moment of disturbed slumber, and then when he awoke really think that dream a *reality*? Did he seize upon these names in order to make such an *array of authority* before Presbytery as would be likely to secure the conviction of Mr. Fowler without an *investigation*, which he feared might end in the *defeat* of his wishes and designs? Or what *was* the origin of these charges purporting to be sustained by these witnesses? We leave all to judge for themselves of this most singular and mysterious affair, about which every word we have said is susceptible of the clearest proof and cannot be denied.

The above is a specimen of the spirit that governed a portion of Presbytery, headed by Mr. Spencer and others, in the *preliminary* proceedings. For it will be recollected that almost *one half* of Presbytery voted to proceed to trial at this time. Now we think it our duty to introduce a single item or two of conduct, to show the *general* state of things in that body when the case *came to trial*. When the story of Delano first came out, or rather after Mr. Fowler had recovered and heard of it, he immediately commenced a search for Mr. Bottum, that he might testify in regard to what Delano had said he, Bottum, had told him about Mr. Fowler's conduct in his saloon. But Mr. Bottum had moved from New York, and no one seemed to know where he was. Mr. Fowler wrote to several places, and traveled himself several hundred miles to find him. At length, just before the meeting of Presbytery to try his case, he heard Mr. Bottum was in Boston. Mr. Fowler was at the time at Albany, in search of this witness. He immediately wrote to Mr. Pettibone, the clerk of Presbytery, and one of the committee of prosecution, that he should be in Boston at such a time to take Mr. Bottum's testimony, &c., thus giving the other party the required constitutional notice. But none of that party were at Boston at the appointed time. There was therefore no other way left to Mr. Fowler but to take his testimony before a Justice of the Peace. This he did, and went with it before Presbytery. But Presbytery, at the suggestion, or rather the demand of Mr. Spencer, refused to receive it, or even to hear it *read*, while at the same time they permitted Mr. Spencer to introduce as *regular testimony*, what Delano said Bottum told him, and even what Mr. Noyes said Delano informed him Bottum had told him, (Delano.) Thus they permitted a witness to testify what another person had told him Mr. Bottum had said about Mr. Fowler's conduct in his saloon, and received *this* as regular testimony, and yet they utterly refused to let Bottum speak for himself, though he had been put under oath, and all the constitutional preliminary steps had been taken in obtaining his testimony. The true reason was, Bottum had sworn a flat contradiction of Delano's story. The reason however which *they assigned* was, that none of the other party were present to *cross-examine* Mr. Bottum. But in the name of common sense and justice, we ask what reason was this under the circumstances of the case? On this principle, all a party need do to prevent *any* testimony from being presented on the other side, is simply to *stay away* from the *taking* of that testimony, and they save not only their cause but their time, trouble and money. No matter how important a witness may be to an accused man; though his knowledge of facts may set him high and dry above the reach of suspicion, his prosecutors, in the stubbornness and malice of their determinations, have only to disregard the constitutional call to be present at the ex-

amination of that witness, and then go before the court of adjudication, and plead that *because they were not present*, the testimony ought not to be received, or even read, and their malicious work is most easily and snugly finished. In this way no man could ever be acquitted, no matter how innocent, or clear and unequivocal the real proofs of his innocence. The ground therefore which Mr. Spencer and a majority of Presbytery took, is the merest and profanest *mockery of justice* that can well be conceived. And we cannot but regard it as an *absolute insult* to the moral sense of the community, and the churches over which that Presbytery presides. If they had rejected the second-hand, nay the *third-hand* testimony against Mr. Fowler on the *same point*, when they rejected Bottum's, there would have been in their course a little less flagrant injustice. But to receive as *regular testimony*, (which is prohibited always by all courts both civil and ecclesiastical,) what Mr. Noyes said Mr. Delano had told him Mr. Bottum had said, and then at the same time *utterly refuse* to let Bottum *speak for himself, under oath*, when too his affidavit was *taken constitutionally*, and was attested by a *witness* living and well known in Utica, and even go so far as to deny the accused the privilege of *reading it*, a privilege, most respectfully and humbly *sought*, and not denied to the *other side*, we believe, in a single similar instance — this really seemed to us as the *height of mad injustice*. For our lives we can scarcely conceive of anything that more deserves the name. And when this conduct first came before us, we could scarcely suppress the exclamation even at the sacrifice of all propriety, is this a tribunal of *christian judges*! Are these the proceedings of a *court of Jesus Christ*, seeking to elicit and promote the *truth*! But we say no more on this point. For the *truth* of what we have said we refer the reader to Delano's testimony, (as the first part of Mr. Noyes' is not recorded,) and to the testimony of Mr. Bottum, and the statements that immediately precede it.

There is another circumstance to which we will briefly advert. It has been seen that Mr. Fowler took the Commissioner, Mr. Haynes, to Mrs. Sammons for her testimony—that when she began to say that “Margaret, the servant girl, had told that *same story* to her, but attributed it to *another man*,” Mr. Haynes *refused to record* her testimony, and with *much excitement* immediately and *abruptly left the house*. Then Mr. Fowler took Mr. E. W. Blake, who was present at Mrs. Sammons', to the meeting of Presbytery, commencing about this time, to testify as to the fact of Mr. Haynes, leaving, &c., for the purpose of showing the propriety of Presbytery's receiving Mrs. Sammons' affidavit, which he had been compelled to take before a Justice of the Peace, in consequence of Mr. Haynes' refusal to record, &c. Presbytery refused to hear Mr. Blake's statement, but permitted Mr. Haynes to give *his account* of the matter, which the counsel for the accused *denied* to

be *correct*, and wished to show the *truth* of their denial by Mr. Blake, a respectable and worthy member of the First Presbyterian Church, in Utica. But Presbytery seemed satisfied with Mr. Haynes' *ex parte* statement, and *rejected* both Mr. Blake and the affidavit of Mrs. Sammons.

The substance of Mr. Haynes' statement, and which he subsequently testified to *under oath* before the Commissioner, Mr. Allen, preparatory to the case going before Synod, is as follows: He said that at the house of Mrs. Sammons, he, Mr. Haynes, "while the testimony was going on, and there was *no excitement*, took out his watch and holding it in his hand said to the parties that he could not possibly stay any longer, that he was sorry he could not, but that his time was up when he was obliged to leave, as he had made arrangements to leave town that afternoon; that if he stayed any longer the cars would go and he should loose his chance; he said that he then gave notice to the parties that the commission was dissolved, that he then went to Mrs. Sammons and bid her good bye, passed the ordinary farewell salutations to others present, and then deliberately took his leave." This is the account of the matter and the justification of himself which Mr. Haynes gave before Presbytery, and subsequently, *under oath* in Utica, just before the meeting of Synod. The counsel for the accused *denied every word of it*, and Mrs. Sammons also, in her testimony, page 20, virtually *denies* that a word of these statements is true. And then we subjoin the following certificates:

I, the undersigned, do most solemnly declare that I was present at Mrs. Sammons', when Mr. Haynes was there to take her testimony, and also at Presbytery as a witness; that Presbytery *refused* to have me testify in regard to the scene at Mrs. Sammons', while they permitted Mr. Haynes to give his account of the matter—that his statement was *entirely at variance* with my own observation and *knowledge* of the facts—that when Mrs. Sammons said "the girl had told her *that same story* of 'liberties,' but ascribed them to *another man*," Mr. Haynes *refused* to record it, became apparently very *much excited*, and *abruptly left the house*—that he *did not* to my knowledge, (and I *must* have known it if he did,) take out his watch—he *did not* say he could not stay any longer, that he was expecting to leave, that his time was up, that he was afraid the cars would leave him. He *did not* say *this*, nor *anything* that *resembled* this. He did not give any notice to the parties or any one else, that the commission was dissolved or adjourned. He *did not* bid Mrs. Sammons' good bye, nor utter a *single word* or expression of the kind to any one else present. Nothing of all this, I am sure, *could* have occurred, as I sat *near to him* and the parties, and was *intently watching* the movements of Mr. Haynes, though I had no interest, and was there to take no part in the proceedings. Mr. Haynes and the parties had not been

in the house more than *three or five minutes* when he left, and left as I supposed, to *avoid taking the testimony*, as he started without an *act or word of preparation or notice*, and so *suddenly* that I scarcely knew he *thought of going till he was gone*. He said not a word *directly or indirectly* about leaving, but while *earnestly refusing to record*, he *started suddenly* out of the house.

EDMUND W. BLAKE.

The following is the certificate from the witness herself :

I, the undersigned, most fully concur in the assertions contained in the above certificate of Mr. Blake, and declare them to be true in every particular in relation to the course and conduct of Rev. Mr. Haynes, and to the *length of time* he was in my house when he came to take my testimony. Pretty soon after I commenced giving my testimony, I said I had heard Margaret tell the same story of another man, but I did not mention the name of that man, nor was any enquiry made of me who he was. Mr. Haynes refused to record, and while refusing, with much warmth and excitement he suddenly and abruptly left the house and never returned again. He did not bid me good bye. He did not take out his watch and say his time was up and he must go, or that the cars would leave him, or anything else of the kind, but started and went hastily out of the house, while he was objecting to record my testimony, and without a single word of notice of any kind. I have no interest in this matter, and was entirely ignorant of the parties, and had never seen Mr. Fowler till they came to take my testimony. I feel reluctant to take any part in this affair, but I wish, of course, in all cases as much as in this, that the truth may prevail.

AMANDA SAMMONS, Utica.

It would seem from the foregoing certificate of a highly credible gentleman, who had no interest whatever in the matter, and from the affirmation of the witness herself, that Mr. Haynes can scarcely be supposed to have left just at that moment because "*his time was up*," as he was in the house but *three or five minutes*, and would hence have known *before* he went that his time was *already* about up, and therefore would *not have gone at all*. For surely he could not have supposed that he could administer the oath, go through with all the preliminaries, and *take down on paper* the testimony of any witness, especially an *important one, all in three or five minutes*. If he had a watch, as he swears he had, and was so anxious to go in that train of cars, as to induce him to break off in the midst of an important sentence of the witness and almost the first one she uttered, he certainly must have known before he went to the house, that he had but three or five minutes, enough perhaps just to administer the oath and no more—all this we repeat, he *must have known* and therefore *would not have gone at all*. And besides, the duty of leaving happened to suggest itself

to Mr. Haynes precisely at *that point* where the testimony of the witness began to overthrow and completely to annihilate the story of the girl, viz., "that she had told that *same story* to her, but said it belonged to *another man* and *not to Mr. Fowler*." This was the sentence which the witness uttered, and which Mr. Haynes *refused to record*, and time enough elapsed between the *utterance* of it and *his leaving*, to have recorded it. In this interval he was talking and objecting, and refusing with much and increasing excitement, till he suddenly started from his seat and left, apparently in a passion. This is testified to, in addition to the foregoing certificates by two witnesses, on page 19, and another on page 20.—Why then, if Mr. Haynes did *not* leave on account of not wishing to record the testimony, (as he now claims,) did he not *record* it instead of spending *time* enough to have done it, in *exciting words* and *angry objections*! We know Mr. Haynes now *denies* these refusals and this excitement; but they are attested by several *most credible and disinterested witnesses*, and certainly all the *circumstances* are on the side of the latter; for the record of Mr. Haynes himself shows, (see page 18,) that he left in the very *middle* of a sentence of the witness, which when *finished*, (see page 20,) entirely *exculpated* Mr. Fowler. This in itself is a very suspicious fact. And if there had been *no* refusal and *no* excitement, and Mr. Haynes had found his time was up, if he was there as an honest Commissioner to do justice between the parties by a faithful record of the testimony of the witness, would he have been likely to break off in the *midst* of a sentence, the *whole* of which he might have written in *less than half a minute*, and especially when he must have seen it was of infinite *importance* to one of the parties? Would a half-minute's delay have seriously incommoded him? And even if it would, (and it certainly *could not*,) was it not his duty to stay and record a *single fact more* which would have exculpated the accused and wiped off all reproach from the church and the ministry, especially as the Presbytery just at that time was commencing its session, and he knew there would be *no other opportunity* for Mr. Fowler to get that testimony before them? Thus, in *every view* of which the case is susceptible, and even on the ground of Mr. Haynes' *own explanation*, it is clear that he did not leave because his *time* was up. The testimony of several disinterested and most credible witnesses is, that he *refused to record* the fact related by Mrs. Sammons, and *suddenly* and in a *passionate excitement* left the house with a *determination*, as they suppose, at all hazards to deprive the accused of that most important portion of his testimony. All this, however, Mr. Haynes denies. But this is not the most singular and marvellous discrepancy between these witnesses and Mr. Haynes. To show still farther that there was nothing wrong or hasty on his part, and to give his assertions all possible force, Mr. Haynes came down to Utica

when the Commissioners appointed by Synod were there, and deliberately declared *under oath*, (as the reader has already seen,) to a certain series of facts which he said occurred on his part at the house of Mrs. Sammons, *all* of which these witnesses most solemnly and totally deny. Now the nature of these alleged facts is such as seems to us would have precluded the possibility of mistake. If Mr. Haynes went deliberately and bid Mrs. Sammons good bye, and took out his watch, and referred to the time, and went into an explanation of the reasons why he must go, and expressed his regret, and formally proclaimed the dissolution of the Commission, and passed the ordinary farewell salutations to others present, and then deliberately took his leave—if anything approaching to, or resembling this had occurred, it is most mysterious that impartial and credible witnesses, who were then present, *intently watching* the movements of Mr. Haynes, should agree in swearing a flat and total contradiction of the whole, and of even the very semblance of such acts on the part of Mr. Haynes. There is a dark spot, a most painful truth in this matter somewhere, painful to us, as we doubt not it will be to the reader and to all. There is either a most remarkable and unaccountable mistake, or something infinitely worse. We most sincerely hope that in the day of final revelation, if not before, it may turn out to be the former. This testimony of Mr. Haynes was not carried before Synod. It was taken for that purpose; but when Mr. Allen, the Commissioner, found that others would contradict every word of it under oath, he ruled that the whole on both sides was out of order, and the matter of course dropped there. But the witnesses above referred to, and others, heard Mr. Haynes make these statements; and indeed he made them *when not* under oath repeatedly before Presbytery and Synod. Now this refusal and determination on the part of Mr. Haynes not to take the testimony when it was in favor of the accused, is a specimen of the spirit he manifested, and of the difficulty Mr. Fowler has had in eliciting the truth in his case, *all through its history* from beginning to end. Though Mr. Haynes was appointed *fairly and impartially* to take testimony and to act as a *christian umpire* between the parties, and see that *justice* was done to each, yet what has he done? Why, the very blood chills at the contemplation of such a transaction as the one above referred to. What! cheating an accused brother in the ministry out of testimony which he knew would exculpate him, and *because* it would exculpate him—and that too by the grossest violation of his official duties and pledges, and of every thing sacred in the claims and obligations of *common justice*, and with a manner fraught with a passionate and reckless determination to outrage the rights which he had been solemnly commissioned to protect! We speak with emphasis, but not unkindly. And we confess we know not *how else* to speak of an act which we

do not believe has a parallel in judicial proceedings of *any* kind, or any country, to say nothing of Mr. Haynes' most remarkable assertions under oath, in attempting to *palliate* it. We do not believe an instance can be found even of a civil magistrate, who, sitting between two opposing parties, has taken such open and *determined* ground in favor of one, and against the other, as absolutely to refuse to record testimony *because it would clear the accused*, and thus wantonly *defraud* him of the truth, and the essential truth in his *defence*. If such a thing ever occurred in the lawless proceedings of the most lawless community, where social organizations had but a merely *nominal and mock* existence, and fraud, oppression, and cruelty reigned untrammelled and unchecked, we are happy to say we never had the misfortune to know or hear of it. If the *same proof* which we have here presented in regard to Mr. Haynes, were offered to show such an act in civil proceedings, that proof would be the *official death-warrant*, if nothing worse, of any magistrate in *this country* and consign him over to the execrations of every lover of truth, justice, social order and welfare. And then to sustain and sanction this unheard-of proceeding, instead of promptly rebuking it as they ought to have done, Presbytery not only rejected Mrs. Sammons' affidavit, taken in the only way possible, before a Justice of the Peace, and would not even hear it *read*, but they refused to permit the accused to prove the facts that *compelled* him to present her testimony in that form, while at the same time they suffered Mr. Haynes to give his statement for the *other party*.

Let us now look for a moment at the view Presbytery took of the testimony that *was* received. It will be remembered that this body condemned Mr. Fowler for *intemperance*. If the reader has examined the testimony in reference to this point, (and if he has not we hope he will,) we think he will agree with us that a more remarkable decision, and one fraught with more *flagrant injustice* could scarcely be found in all the records of human prejudice and abuse. Let us look at the *grounds* on which this decision was founded. By a review of the testimony it will be found, that after all the unwearied efforts and scrutinizing enquiries of the committee of prosecution and their friends, who ransacked, as it were, the country for proofs of Mr. Fowler's use of the forbidden beverage, following his track on the journeys he has pursued, searching *hotels* far and near, the records and officers of steamboats, private families, social circles in which he had moved for years, and even among the rum and wine sellers in Utica, for ought we know, from the more respectable dealer in the poison, down to the petty grocer; yet it will be seen that the *only* instances they have been able to find of Mr. Fowler's having ever drank anything stronger than water in his whole life, are some *four glasses of wine*. We do not here include the alleged instance when with Delano. But

aside from this, some *four glasses of wine* since he had a being on earth, is all they have been able to prove against him. Dr. Pomcroy, (see his testimony,) swears he saw Mr. Fowler drink one glass some years since, at a dinner party, at a mutual friend's.— Thomas H. Wood testifies to the same, or to one single instance. And then Dr. McCall declares that he has seen Mr. Fowler drink a glass of wine “twice or thrice at most,” and one of these was at the wedding of his, Mr. Fowler's, sister-in-law, (see the testimony.) These are the *only instances* in which Mr. Fowler has been proved to have taken *any kind* of stimulant liquor, from his birth to the *spring of 1841*, when the alleged instance with Delano occurred. There is not another instance on proof throughout the *whole range* of the testimony in this case, as the reader will see by examination. Then Thomas H. Wood and Dr. McCall, both swear they have been *intimate* with Mr. Fowler for years, since the time of his settlement in Utica, the former having lived either the next door to Mr. Fowler's, or in the same house with him during this period, and the latter having attended his wife the whole time, and for the last year or two visited her *every day*, and sometimes *oftener*, thus coming constantly in *contact* with Mr. Fowler; and furthermore, that they have, during this period, associated in the *same circle* with him, they have met him on those perpetually occurring occasions when friends meet in small social parties, and where *wine was almost uniformly served*, and Mr. Fowler of course was urged with the rest to partake. Such had been the *peculiar opportunities* of these gentlemen to discover Mr. Fowler's *propensities* in this direction. And yet they solemnly swear that during this long continued succession of *mutual contacts*, amid all these perpetual and numberless *opportunities* to see Mr. Fowler's conduct in this respect, where there were the *strongest temptations*, and no possible *restraint*, as he was in the presence only of his friends, and *they* were then in the *habit* of using wine and of offering it to him as a matter of custom, and of perfect and unsuspected *propriety*, yet they never in all this time and these scenes, saw him drink except as above stated. In their opinions, formed from long and close observation, *his* was one *steady, uniform and habitual* course of *refusals and abstinence*, from the use even of *wine*, except at the marriage of his sister-in-law, and on one or two other occasions, when custom and the common courtesies of those days compelled him to yield. Now we submit to the reader, that when it is remembered that wine at this time was in *common use*, and that Mr. Fowler, from his circumstances, was peculiarly and constantly exposed to it, the above facts look as though these witnesses had come to a pretty *correct conclusion*, when they said in their testimony that “they *believed* Mr. Fowler a most strictly temperate man.” But how far was Mr. Fowler guilty in this respect in the spring of 1841? The reader will see by the testimony that no one

saw him drink *anything at all* but Delano. Mr. Noyes swears that he saw him drink nothing, and that on the afternoon he first called on Mr. Fowler, at the American Hotel, and took him to his house a lunatic, he "*struggled with him in such close contact, that if he had been drinking he should have detected it in his breath.*" No drinking was discovered at the time they were *pursuing* Mr. Fowler those evenings. And Delano *himself* saw him drink but *once*, some beer and wine. (If the reader is not perfectly satisfied with the correctness of these, or any other statements we have heretofore made, we *earnestly* request him to examine the testimony.) Here then is the length and breadth of Mr. Fowler's "*intemperance.*" All that could be "*raked up*" from the *well observed and closely scanned details* of his past life—all which the keen eye of diligent, unslumbering and *hostile* scrutiny has been able to discover, is some *four glasses of wine*, which his prosecutors found standing here and there, the few and far between *exceptions* to *general habits*, in a life of total abstinence, which *abstinence* too was as much an *exception* to the *customs* of those around him, as these few instances were to his own. And yet, a *majority of Oneida Presbytery* condemned Mr. Fowler for DRUNKENNESS!!! Reader, this is a *truth*, unaccountable as it may seem. They sent him out before the world, covered all over with the *marks and brands of a drunkard!* For three or four glasses of wine drank at different and distant periods, in a long life of the strictest abstinence, and even when wine was in almost universal use—for *this*, and a *single instance* when with Delano, and when too Mr. Fowler was decidedly and obviously *insane*, he has been *publicly proclaimed* to the world a "*rum drinker*," a grovelling and besotted *gratifier* of his *vulgar passions* in the use of *ardent spirits*. He has thus been *convicted* by an ecclesiastical body, of *habits of intoxication*, and has been pushed out before the world to encounter all the *odium, contempt* and *exclusion from society* which such a decision of course would render unavoidable, and none know but the few acquainted with the *facts* in the case, but that he *has* in reality been *guilty* of these criminal and degrading habits. Now we ask the reader, we ask every man whose character is in the hands of ecclesiastical bodies, we ask every lover of truth and justice, we ask the haters of oppression in every form, we ask the community at large, the well-wishers of society, of good order and individual rights and safety, we ask you in the name of reason, of humanity, of religion, and the God of that religion, is such *cruel, wanton and malicious injustice* in the high authorities of the church to be *tolerated*? Who of you, connected with these or similar organizations, are for a moment *safe*? Where is the character *so pure*, that on it the vengeance of these arbitrary disposers of "*things divine*," may not fall with crushing and withering power the moment that character becomes obnoxious to their *prejudice, envy or personal ha-*

tred? We most solemnly call upon all who would not see the last hope of injured innocence, the last right of humanity, and claim of public and private justice *trampled into the dust* by the iron heel of *lawless oppression*, to give their voice, and a voice *emphatic* too, against such an unparalleled abuse of power to gratify passion. But this is not all. To dispose of the question of insanity in Mr. Fowler's case, the proofs of which were so strong and overwhelming, that they feared the public sentiment would not sustain them in a decision against him, they took the ground that if he was insane, his insanity was *produced by stimulants and high-living*, and was therefore a *guilty* insanity. The prosecution used the utmost exertion to prepare a foundation for conviction on this ground, before Presbytery. But the reader will see by reverting to the testimony, that *all* the proof they were able to obtain was, first, Dr. Pomeroy swears that "it was generally understood that Mr. Fowler loved a good dinner, that he was fond of high living," meaning by this as the Dr. explained, that he was fond of going out occasionally to get a good dinner among his friends; while he swears distinctly that "when Mr. Fowler kept house his living was *very plain*." Now as it is well known that Mr. Fowler kept house the most of the time he was in Utica, and as Dr. Pomeroy was unacquainted with him before, this testimony of course not only amounts to nothing for the prosecution, but absolutely shows Mr. Fowler's *strict habits of temperance, even in eating*. The next and only witness introduced for this purpose, was Dr. Josiah Rathbun, of Utica, who swears, (see his testimony "that he stopped at the house where Mr. Fowler boarded some *eight years ago*—that he stayed there about *ten days*, and thought at that time that Mr. Fowler ate *pretty* freely of *meat and gravy*." Reader, *this is all, every word* of proof they produced on the subject, after prying into Mr. Fowler's private life, and the most rigid enquiry into his domestic concerns. As to Dr. Rathbun's testimony, we have been told that it is susceptible of proof, that during those "ten days," he sat at *one* end of a table of thirty boarders, and Mr. Fowler at the *other*, and that they both sat on the *same side*. The Doctor then, in his watchful regard for the health of his neighbors, must have formed the exceedingly difficult habit of *crooking* his *vision*, or else of sending it through the bodies of a dozen *intervening eaters*, or surely he could not have detected this delirium-producing gluttony of Mr. Fowler. But we are disposed to believe the Doctor *sincere*, and that he really saw what he has represented, and the only fault we charge him with is, that with such *abundant* opportunities to discover Mr. Fowler's habits, and such a *solemn conviction* of the *frightful insanity* to which those habits were conducting him, he did not interpose his *professional advice* to Mr. Fowler or his friends, with a view to *prevent* so terrible a catastrophe. With all the Doctor's benevolence, we think he

must have strangely forgotten himself, or he would have taken this course rather than to have suffered the insanity actually to *come*, and then be compelled to the *reluctant* duty of charging upon its unfortunate victim, in addition to the horrors of the disease, the *guilt* of bringing it upon himself. The testimony of Dr. Rathbun then, is all the proof they had *prior* to the spring of 1841. Was there then any evidence at *this* time that Mr. Fowler's *habits* were the *occasion* of his insanity? We answer, not a particle. There is no proof that he ate anything during the time he was in New York, except the single alleged instance of his taking a supper with Delano. There is no proof whatever of his *carousals* or indulgence in *stimulants*, of which so much has been said, except the *one* instance related by Delano. There is not a *word* in *all* the testimony, that shows that Mr. Fowler's conduct in New York, so carefully and secretly *watched*, was not as *strictly temperate and correct in all things*, as any man's that ever visited that city, except the above instance, and a slight *surmise* of another witness of a thing in itself utterly trifling. No drinking or indulgence in any respect was shown at the Hotel where he stopped, or elsewhere, but on the contrary the utmost *propriety* in this respect, (see testimony.) And yet on the testimony of Dr. Rathbun, namely, that eight years ago, for a period of ten days, he thought Mr. Fowler ate pretty well of meat and gravy, and the *single instance* of a supper, &c., related by Delano, and though Mr. Fowler had been *proved* to have been *strictly temperate*, both in eating and drinking during *all his past life*, and up to the time he was in New York, and even *while there* with the above exception, yet Mr. Spencer in his argument, and the Presbytery in their decision, took the ground that if Mr. Fowler was insane, his insanity was a *guilty* insanity, produced by *stimulants and high-living*, and that therefore he was just as *accountable* for his conduct as though he had been *perfectly sane*, and more so, as he had superadded to the criminality of that conduct, the guilt of grossly and wickedly abusing his nature and dethroning his reason. This was the argument when it was found the proofs of Mr. Fowler's insanity were conclusive, and that he could not be convicted without making him *responsible* for the insanity itself. And the reason which some of that majority subsequently assigned for voting against Mr. Fowler, was, that his insanity was thus produced, and therefore he was *guilty*. And this view has been vigorously attempted to be impressed on the public mind, and it has been on *that* account more especially that we have alluded to it. But we ask the reader if he can conceive of *any* position more fraught with mingled *injustice and cruelty*? Is it not enough, in the name of humanity, that a man has been the unfortunate victim of that *worst of all calamities, insanity*, that he has suffered its *agonies and mortifications*? Must he be taken before the public and *branded* as a

wretch for his conduct *while* an irresponsible maniac? This would be an unheard-of and cruel decision even though his insanity were self-induced. When did a court of justice in *all* the records of the *world*, hold a man responsible for acts committed when *avowedly insane*, simply because his general mode of living was such as was calculated to produce it? If Mr. Fowler had been guilty of the most unpardonable "high-living," such ground on the part of his accusers and judges, would have been a most wanton assumption and a flagrant abuse of power and perversion of justice. But in taking this ground, as Mr. Fowler had been proved to have lived a most temperate and abstemious life, they openly and wantonly ascribed his insanity to *causes* that never had an existence, and thus gave him a *character* before the world, which he never possessed, in order to *condemn* him for acts while *insane*, inflicting *one wrong* upon him that they might *sustain* themselves in inflicting *another*. Now we ask if such proceedings are to be endured? When the prosecution found Mr. Fowler was *really insane*, are they to be tolerated by community in charging him with the *grossest and vilest habits*, habits of which he was *never guilty*, simply because they could not *convict him without*, thus adding the most palpable *injury, injustice and insult to his misfortunes*? We confess with our knowledge of the facts in this case, we stood as it were thunder-smitten with surprise, and for a moment, till recollection returned, we could not confide in our senses, when we first found this position had been taken before and by a tribunal where common sense and justice were even *pretended* to have so much as a *nominal existence*. But we will relieve the reader from any farther attention to the course which Presbytery pursued under the guidance and control of the committee of prosecution. We have alluded to but a *few* of the *many* things that have occurred during the progress and final issue of this case before Presbytery. We might follow them to Synod; but the restraints of that numerous and independent tribunal very much *modified* their course there; and as we have been both inclined and *determined* from the first, to say no more than was absolutely essential to remove *certain impressions* that have been produced in regard to Mr. Fowler and his case, which have no foundation whatever in truth, we shall leave this branch of the subject where it is. A multitude of representations have been made since the meeting of Synod, in regard to the state of things there, &c. &c., but we think we have exhibited and proved, thus far, facts enough to influence the candid portion of the public, to put themselves upon their guard in relation to those representations, and to receive them as truth no farther than they are accompanied by clear and adequate proof. If the facts we have herein presented be true, (and we have referred all along to the testimony,) then certainly the opinions and the statements of the party with which those

facts are connected, are to be received—for just what they are worth, and no more.

MR. FOWLER'S INSANITY IN NEW YORK.

We now proceed to the *great question* involved in this case, viz., that of Mr. Fowler's *insanity* in New York. The two points before Presbytery and Synod, and to which the great body of the testimony offered, and substantially *all* that is herein recorded relates, are the *story* of the *girl*, and the *story* of *Delano*. No witness saw the transactions of which they speak but themselves. Not another witness testifies to a *single fact* showing even an *impropriety* on the part of Mr. Fowler at *any time*. The simple testimony of the *girl* and of *Delano*, are the grand subjects before the reader as they were before Synod. But we think no person can for a moment hold Mr. Fowler guilty of the "*improper liberties*" with the girl alleged in the first of these charges. This point, we doubt not, has been fully and satisfactorily disposed of by the testimony of several witnesses, and even by that of the girl and her husband themselves. And though there had been *none* of *all* this overwhelming testimony to show Mr. Fowler's innocence, it would still be but the mere "*say-so*" of the parties, she *affirming* and he *denying*, and certainly under ordinary circumstances the word of a clergyman, or *any* man, is as much to be relied on as that of an ignorant and unknown servant girl. But aside from this, the testimony is clear and conclusive. The only question therefore now to be determined is, *was Mr. Fowler INSANE when with Delano, in New York, in the spring of 1841?*

Our first remark is a repetition of what we have already said, viz., that Delano is the *only witness* to any impropriety of conduct on the part of Mr. Fowler. We are thus particular because the impression has heretofore been industriously circulated, that Mr. Noyes was a witness to such conduct. The high authority of this gentleman has often been quoted against Mr. Fowler. But if the reader will take the trouble to examine, he will find Mr. Noyes did not witness anything to which Mr. Delano testifies, nor a *single improper act* on the part of Mr. Fowler while he was in New York. Like every other witness who speaks of the conduct charged upon Mr. Fowler while there, Mr. Noyes received his information alone from Delano. We trust the reader will pardon our anxiety to have this fact understood. Our reasons are, that there is a great amount of testimony, and it would be very natural to get the impression that some of them at least, besides Delano, must have been eye witnesses to some of the actions charged. But this is not true, and if the reader has any curiosity on the subject, we respectfully urge him to re-examine the testimony. Let it be dis-

tinctly understood then, that the *whole question* of Mr. Fowler's *guilt or innocence*, after all the representations made and impressions produced in regard to the multiplicity of witnesses, is based entirely and solely, and without a fragment of any other original testimony, on the story of Delano. As Mr. Noyes' name has been so often employed, especially in this community, to give authority and force to the charges against Mr. Fowler, we trust all who have had impressions contrary to the above assertions, will take the trouble to ascertain, if they have not already, from the testimony of that gentleman, that he not only saw *nothing wrong* in Mr. Fowler at *any time*, but that he swears distinctly and unequivocally that he has *no doubt* Mr. Fowler was *deranged*, and deranged when he *first called* on him at the American Hotel and when *with Delano*. We repeat then, that if not one of all the witnesses, except the girl and Delano, testify to anything whatever against Mr. Fowler, and if the story of the girl in view of the testimony is satisfactorily disposed of, then the great question is, was Mr. Fowler in a state of mental aberration when with Delano? If he was, then of course he was not accountable, whatever he might have done. If the reader is satisfied of this from the testimony herein recorded, then of course he must regard Mr. Fowler as both an innocent and unfortunate man, even if all Delano has said about him be true, of which perhaps, his views may, in the end, be somewhat changed from what they now are.

We shall say but little in regard to the evidence of Mr. Fowler's insanity when with Delano. We cannot think there can be a doubt in the mind of any one who has read the testimony. If ever a case of decided and pitiable insanity, demanding the sympathies rather than the censures of community, was made out by a multitude of direct, unequivocal and overwhelming proofs, that case must be the present. It has been abundantly shown by the most competent and credible witnesses, that Mr. Fowler was constitutionally prone to disease of the brain, whenever his physical system was in any way out of order. Dr. McCall, as well as others, swears he has often seen Mr. Fowler in these states of mental wandering from ill-health. It has then been shown that for *weeks just before* he left Utica, to go on a foreign voyage, he was in *very bad health*; that his system had been for a long time under the influence of disease, and continuing to be *more and more* so, until now it had become *very much deranged*. It has been seen too, that during these few weeks before he left Utica, Mr. Fowler was in a condition of *high nervous and mental agitation*, and of *partial insanity* becoming every day worse—that he had at this time *turns of actual derangement*, lasting from one to three days, and which occurred with more and more frequency till he left, while *between* these turns he was heard to walk his room, when alone. from day to day, in apparent agony, and with a wildness of man

ner, wringing his hands and uttering audible and incoherent language—that the last of these turns, or outbreaks of palpable insanity, occurred about four or five days before he left, and was seen by several witnesses—that on the morning of his departure for New York, to go on his voyage to Europe, he seemed *worse* than *ever*, and his condition was such that those who saw him in the house, while preparing to go, now swear they thought at the time he would have another outbreak of insanity before he should arrive at New York, although he was going directly there. All this is testified to, not by casual or incompetent observers, but by the keeper of the house in which Mr. Fowler boarded, who says she “thought him so deranged a man even at this time, before he left Utica, that his derangement would not be called in question;” by the steward of her house, who says “Mr. Fowler was often insane just before he left, and that he expected to hear of *another outbreak* before he should reach New York, and wanted to accompany him there on that account;” by the woman who had the charge of the chambers, and who says “Mr. Fowler’s turns of insanity were *more and more frequent* as the time of his departure approached, and that when *not* in these turns, he seemed *partially insane* much of the time, and she frequently listened to his *incoherent and wild expressions* when he was in his room alone;” by Miss Sheldon, the Principal of the Female Academy, who says she “saw Mr. Fowler almost daily for the last fortnight before he left to go to Europe, and thought him as near to the *condition of a maniac* as any person she ever saw, and the members of her family, and others, had often spoken to her of Mr. Fowler’s condition and *expected* he would become a *maniac*;” by Thomas H. Wood, an intelligent and highly respectable gentleman and officer in the church, who was “intimate with Mr. Fowler,” and knew and testified to his condition, and who when he heard of his outbreak of insanity in New York, said “it was *what he expected*;” by Dr. McCall, as all know here a most skillful and popular physician, who says he “saw Mr. Fowler, and knew he was *decidedly a deranged man* just before he left Utica for the last time, &c. ;” by Dr. James, who attended him professionally several times during the four weeks previous to his leaving, and who says he “*never saw* a case of more *decided* approaching maniacism in his life, and said that medicine would do him no good his *mind was so diseased*, and wanted to *lay his hand* on Mr. Fowler to prevent his going into spasms; that he saw him *a day or two before* he left, and then thought him *worse than he had ever seen him before*,” (see the testimony of these witnesses.) Such was Mr. Fowler’s condition when he took his departure from Utica for the last time in the spring of 1841.

Now suppose Mr. Fowler, three days subsequently to his leaving Utica, had committed a murder, instead of the conduct al-

leged by Delano, and had exhibited *no other* signs of mental aberration but those already mentioned, is there a court of justice in the country, which, with all these multiplied and unequivocal proofs of his insane condition before them, would hold him responsible for the deed? No, not one. If we have been rightly informed on the subject, and can rely at all upon the dictates of our own common sense, a decision against a man under such circumstances would subject the judge or jury who should pronounce it, to the universal execrations of those who are familiar with legal proceedings, and of all who have any regard for the right administrations of justice. But let us follow Mr. Fowler from Utica to New York, and see what was his condition *there*.

About three days after he left Utica, or rather after he arrived in New York, he was taken up by Mr. Noyes a wretched maniac. What then was his condition during *these three days*? Leaving Delano out of view, he was seen during this time and before he was with Delano by five witnesses. Messrs. Noyes, Tracy and Denio, saw him twice or thrice a very short time, and say they discovered in him no marks of insanity. But this is by no means strange. Many saw Mr. Fowler just before he left Utica, almost daily, and discovered in him no marks of insanity. And yet physicians and others who were with him more constantly, *did* discover *decided* indications of actual insanity. Now would it be right to argue that these individuals, who knew vastly more about Mr. Fowler, were *deceived*, or had spoken *falsely*, simply because there were those who in a *passing* interview with him, had discovered no derangement? And yet it would be equally *as* proper to take this ground, as to say, that because Messrs. Tracy and Denio, in a casual interview, saw no evidences of mania, therefore Mr. Fowler was *not* insane, though his insanity was *apparent to others*. For it will be remembered that others *did* see his insanity. Mr. and Mrs. Williams, (the former of whom, especially, had a vastly better opportunity of judging, than either Mr. Tracy or Mr. Denio, as he followed Mr. Fowler for hours when alone to watch his conduct,) both declare that they thought *at that time*, (before Mr. F. was with Delano,) that he was *partially insane*. And then look at his *conduct*, as described by witnesses—going in and out of his hotel in apparent and perpetual *uneasiness*, wandering into one street and then after advancing a few steps in that, going out and into another, and repeating this constantly with no *conceivable object in view*—turning *suddenly* about as though startled by some momentary impulse—walking to and fro on the side walk away from his hotel, in a distant and most respectable street, and keeping this up for nearly an hour, and at the end of each four or five rods *starting suddenly* about and retracing the same ground—constantly turning his eyes behind and around him, as though some one was after him, and doing this *whenever seen*, and

even in *Broadway*, while walking alone in the crowd, precisely *the appearance* he is said to have exhibited, and almost perpetually after he was taken to the house of Mr. Noyes, and even when he was seen through the key-hole *alone* in his room. And then witnesses described him, during these three days, as having a *haggard look*, his veins being *distended*, his eyes *blood-shot*, his countenance *flushed*, and bearing the deep lines of *mental disturbance*, even when he was proved not to have been drinking anything stimulating, (see pp. 31 and 37,) his *incoherency* of conversation, and “not seeming to know what he was about,” now uttering things that were palpably false, and now denying what he had just before said, his using profane language, and performing acts that were *unaccountable* to the witness, starting constantly and looking as though he feared and expected some terrible *enemy* were after him, and doing this when walking as any other gentleman, in the most respectable streets, (see pp. 25 and 31.) Such was Mr. Fowler’s appearance and conduct during the three days as described by several of the witnesses. Now when you place *all this*, and the positive assertion of Mr. and Mrs. Williams that they *then* thought Mr. Fowler insane, by the side of Mr. Tracy’s and Denio’s testimony, viz., that they had a passing interview with Mr. Fowler, and saw no marks of derangement, can you say that the latter proves him to have been perfectly sane during the three days? Both Mr. Tracy and Mr. Denio frankly declare, that they have not been conversant with cases of insanity, and do not regard themselves as competent to judge, and very honorably and cautiously refuse to give any opinion as to whether Mr. Fowler was, or was not insane. Is their testimony then to outweigh and totally to counteract *all these other and opposite proofs*? Carry this mode of reasoning into insane hospitals, and what would be the result? All know, who have visited these institutions, that at least *nine* out of every *ten* of their inmates, if not a greater proportion, converse as *rationally as any person much of the time*. You might be with many of them for hours, and discover no marks of insanity. This is a fact of common observation. But if this is a fair ground of reasoning in regard to the general question of their insanity, you would reason into health and out of these institutions *nine-tenths* of their *wretched victims*, and perhaps some of them the most *decided* and *pitiable* cases of insanity there. The truth is, as all know who are in any measure acquainted with the subject, and as Doctor Brigham says in his testimony, the *intellect* seldom becomes *generally* deranged, while in a great proportion of cases it is but *slightly* so with now and then an outbreak of *mental aberration*. If this be so, it would be of all things the most absurd to reason that because an individual, even in his general and ordinary conduct, exhibited no absolute wildness of thought, therefore he was not deranged; still more

inconsistent, and aside from *all* reason would it be to take the testimony of two individuals, as in this case, when the *proofs of insanity* were *so much more numerous direct and overpowering*, and say that because they, in a transient interview saw no derangement, therefore there *was no* derangement not only *then*, but subsequently and at other times when these overwhelming proofs occurred. For what is to be done with these other and palpable indications of delirium? They must be disposed of in some way. Did they never occur — did the witnesses speak falsely? This will not be pretended. But they are *decided indications* — they are actual and undeniable *developments* of insanity, and vastly more *numerous* than the few brief appearances spoken of by Messrs. Tracy and Denio, occurring at different times and in multiplied instances both *before* and *after* those appearances. Indeed the whole career of Mr. Fowler commencing some weeks before he left Utica, was one of high *nervous* and *mental agitation* and *partial insanity*, with occasional and frequent *outbreaks of wild and distracted mania*, becoming *worse and worse* until he was taken up by Mr. Noyes, when even the committee of prosecution acknowledge he was a wretched maniac. Can you then go into this career and take out the testimony of two individuals who saw in a passing interview no indications of insanity, and because of *this alone*, say, that Mr. Fowler was *not deranged* not only *then* but at a certain *subsequent* period? For the question is not whether he was deranged when with Tracy and Denio, but when with Delano, some day or two after.

All must see that this reasoning would be too absurd to be regarded for a moment by a mind of ordinary common-sense, and we know not that any such mind, now, with all the facts before it, pretends thus to dispose of the case.

If, then, Mr. Fowler had given *no indications at all* of insanity, or of even a *tendency* to it *before* he left Utica, the proofs of his condition derived from the *three days* in New-York would vastly preponderate in favor of his insanity when with Delano. These *alone* would be satisfactory evidences of such a state of mind. You would then have on the *one hand*, the testimony of Messrs. Tracy and Denio, not that he was not insane when with Delano, but that some time *before* they did not discover its indications. And then on the other, you would have Mr. and Mrs. Williams' declarations that they *then* thought Mr. Fowler partially insane *before* he was with Delano, and had vastly better opportunities to judge, (Mr. Williams especially.) Then all Mr. Fowler's *strange, unnatural, and insane conduct* prior to the evening with Delano — then the still stronger indications of his loss of reason spoken of by Delano himself, his alleged act of *inviting* that man, an *inhabitant of Utica* and member of *Mr. Fowler's own congregation*, to go with him that evening, and all the *mysterious, contra-*

dictory, and more than all, the RUINOUS things he is said to have done while they were out together—these would be the proofs of *decided insanity* against which you would have nothing to oppose but the simple fact that two individuals in a *transient interview* saw no indication *then* of insanity. But one decided proof of derangement outweighs twenty rational acts—because no *real proof* of insanity can exist where there *is* no insanity, while *rational acts* may and do very frequently and almost universally occur where there *is* insanity—the one is a *positive* indication, the other are mere *negatives*, not necessarily proving any thing as they may exist where there *is* insanity as well as where there is *not*; and you might with almost the same propriety, say, that a man was not a thief because you had seen him pass by certain property without stealing it when he had been *proved* in other instances to be a thief, as to say that a man was not deranged because you had heard him converse rationally, when he had been proved to have done a multitude of other irrational and insane acts. Thus we think no one can doubt but the proofs of Mr. Fowler's condition when in New York derived from the *three days alone*, are decidedly and undeniably in favor of his *insanity when with Delano*. This was Dr. Brigham's opinion. When asked what he should think of Mr. Fowler's insanity when with Delano if he had no evidence but the acts of which Delano and others had spoken as occurring in the three days, he replied, "that he should think Mr. Fowler *decidedly insane*; that Delano's account of the matter *alone* was as strong and conclusive proof to his mind of Mr. Fowler's insanity at that time, as Mr. Noyes' was of his derangement when at his house, and that he had *no more doubt* of Mr. Fowler's insanity *when with Delano*, from these proofs *alone*, than he had that he was subsequently deranged and even when he was brought to his Retreat." (See Dr. B.'s testimony.) This was essentially the opinion of all the other Physicians who testified on the subject.

But if Mr. Fowler's insanity when with Delano be thus clear from the proofs derived from the *three days alone*, what are you to think and what to believe when to these you add *all the numerous and overwhelming proofs* of his state of mind occurring *before and after* these three days? Reader, when you go back and review Mr. Fowler's condition before he left Utica, when for weeks he was in a *high state of nervous and mental agitation*, and had frequent and violent *outbreaks* of palpable *delirium*, and *between* these turns was *unnatural and wild* in his appearance much of the time, and became *worse and worse* until he left, when he was in a most *wretched and perilous* state of mind, such as led his friends to apprehend *immediate and permanent insanity*, and a recurrence of those *fearful outbreaks* even before he should arrive at New York, although he was going directly there—and when you trace him on-

ward to that city, and find him *there* exhibiting the *same palpable, undeniable and almost constant* marks of a disordered mind, *before* he was with Delano, roaming like a wild man, now into this street a few rods, and then back again into that—constantly *turning his eyes* whenever seen, in every direction, as though *pursued by an enemy*, (precisely the appearance he exhibited when taken by Noyes, and his constant theme was that his “*enemies were after him*,” thus showing a remarkable coincidence, that proves he was *then, before* Mr. Noyes took him, in the *same* state of mind and insane)—when you see him manifesting that wretched *uneasiness*, sitting a few moments in his hotel, and then *out* a few moments and *back* again—now walking *to and fro*, at one time *here*, at another *there*,—making *no preparations* to leave, though on the very verge of a contemplated departure for Europe—neglecting his *letters* sent to Mr. Noyes’ office, although they were of *essential value* to him the *moment they arrived*—exhibiting in his very countenance *deep mental disturbance and disorder, haggard, blood-shot and flushed*, while there was no proof, not the slightest, of irregular living—and then, when to these and many things similar, which we cannot stop to enumerate, you add all that Delano *himself* has said of Mr. Fowler’s appearance and conduct, and which Dr. Brigham has pronounced *alone* to be *ample evidence* of his insanity—his *inviting* Delano, (if he did,)—his reckless and insane exposure of himself to *certain, irretrievable and terrible ruin*, his *wildness* of manner, his *incoherency* of conversation, his *profanity*, his saying his wife was at the American Hotel, when he had just laid her in the grave, and his *not seeming to know*, (as Delano expressed it,) *what he was about, or what he did and said*. Then, when you have passed through the three days, you find him taken up by Mr. Noyes a *frightful maniac*, when even his *prosecutors acknowledge* him to have been deranged, and follow him on for weeks and months a *poor miserable lunatic*, having *paroxysms of raving*, talking *wildly and furiously*, under constant *hallucinations*, *convulsed with weeping*, pale, emaciated and haggard, and exhibiting *all the worst and most decided marks of palpable and permanent derangement*, that could neither have been counterfeited by himself, nor misunderstood by others. And finally, when you remember that *all who saw him*, and who, if any, were competent to judge in the case, *pronounced him deranged while with Delano*—that Dr. McCall, Dr. James, Dr. Dering, who was first called to him in New York at the house of Mr. Noyes, that Mr. Noyes himself and Mr. and Mrs. Williams, who had the care of him while there, and then that Rev. Mr. Gallaudet the *chaplain*, and Dr. Brigham, the *Principal* of the Hartford Insane Hospital, to which Mr. Fowler was carried, and who of course had abundant opportunity, and were most competent from their long experience, to judge—that *all these give it as their deliberate and unqualified opinion* that

Mr. Fowler *was insane*, not only *before and after*, but distinctly and emphatically *AT THE VERY TIME* he was with Delano, that in their view it *must* have been so, that it *could not* have been *otherwise*, and that Dr. Brigham especially, declares that *all the circumstances* related by Delano and others, are *exactly* what he should have *expected*, and that “the *whole* make up a case that is *consistent and complete throughout*, and such as he has been *accustomed to see*.” When, reader, you thus trace Mr. Fowler from some weeks *before* he left Utica, down to the *time* of his departure, and onward through the *three days* in New York, and until he is taken up and carried, first to the house of Mr. Noyes and then to the Asylum, a *miserable lunatic*, and when you find him at *every point*, and *all along throughout* this period exhibiting the most *evident and increasing indications* of a *disordered mind*, with occasional and *frequent turns of outbreking insanity*, can you, in the face of *all this irresistible array* of facts, and these perpetual marks and developments of a mentally diseased and insane condition, and in despite of the *explicit opinions* of these *numerous and competent witnesses*, lawyers, chaplains, physicians and all, can you say that Mr. Fowler, in the *mad and ruinous acts* with which he is charged in New York, was *perfectly sane*? that he *knew* what he was doing? that his alleged conduct was alone the result of *intelligent corruption*, for which he is and ought to be held responsible? Reader, is it in *your power*, as the dictate of a sober judgment, to say *this*? Can you go back and select a certain act surrounded by a *multitude of others*, that were most *obvious indications* of derangement, an act that occurred just before and on the *very verge* of the terrible crisis of palpable, permanent and *acknowledged insanity*, and pronounce that act a *sane*, and as *sane* a one as though none of those others had existed? Could you do this even though the act itself had been a *rational* one? But when you remember the conduct with which Mr. Fowler is charged, to have been as *unnatural and contrary* to the dictates of *reason* as any other of those proofs of insanity, and even one of the *most so* of all, can you then hold it to have been *perfectly sane*, and its author to be *responsible* for its commission, and just as responsible (as did the Presbytery,) as though there had never been a thought of insanity in his case? For let it not be forgotten that the conduct upon which this great and only essential charge against Mr. Fowler is based, and for which he has been condemned, was *itself* the conduct of an *obvious lunatic*, a man devoid of reason. It was itself, and is so regarded and must be acknowledged by all, a proof of insanity, and one of the strongest too. It was not *rational* conduct. If it had been, even though it *did* occur in the midst of other and constant acts of *obvious insanity*, Mr. Fowler’s condemnation for it would have been less strongly marked with injustice. If the Oneida Presbytery had gone into that portion of his life which we have

just been reviewing, and found there some deed *itself sane*, indicative of *no* mental disorder and derangement, though it had been associated as a part of the *same* history with *numerous* and *marked indications* of insanity—if, we say, they had found *such* a deed, though it had been thus associated, and for it had condemned him, their decision would have been less flagrant in its character. But that they should consign him to infamy, for an *insane* act occurring in the midst of a history of *decided* insanity, and one of the very last before an *outbreak of permanent derangement*—that they should take out *such* an act from *such* associations—that they should go into that melancholy chapter in Mr. Fowler's history, in which the developments and demonstrations of his insane condition were so *striking, obvious, undeniable* and *constantly occurring*, and that from the very *midst* of that career, when his mental disorder was showing itself *most painfully*, and had *almost* reached its fearful *crisis*, they should select a single portion of his conduct, *itself* as strong an indication of a reckless and reasonless mind as any other and as can well be imagined, and for that hold him to be responsible, and *just as* responsible as though he had never in *all* his life given the slightest evidence of mental disease, and that they should proceed publicly to condemn him for that *insane* act, and preserve in their decision as profound a *silence* on the subject of his insanity, as though none of all the overwhelming proofs presented in this case had ever existed, or entered into the dreams of a single human mind—that the Oneida Presbytery should do this, we confess seemed to us the most *amazing* exhibition of human judgment that ever appeared among all the operations and *freaks* of mind that ever came to our knowledge. We cannot, for our lives, see how it is possible for any mind that is not absolutely *steeled* against *every* dictate of *common sense* and *justice*, to sustain such a decision as this. We have never known or heard of a case of insanity more fully made out, nor can we conceive how stronger, more satisfactory and overpowering evidences could be presented to the view of the human mind. Other proofs we know could have been adduced, if it had been thought necessary. But in the name of conscience and common sense, what other was needed? The reader has seen what a vast amount of testimony there is in this case, composing quite a volume, and yet the great proportion of the *whole* is made up of the evidences presented by the accused to show his insanity, and they are not evidences drawn from slight circumstances, by far-fetched inference, but the evidences of a vast multitude of *direct and unequivocal assertions* and *powerful facts*, covering the *whole period* of weeks and months in which the act alleged occurred, and applying with as *much force* to the *time* of the act, and to the very *act itself*, as to any other. And we repeat that we cannot, for our lives, see how it is *possible* for any human mind on earth to resist these proofs, and hold Mr.

Fowler responsible, as did the Oneida Presbytery, to say nothing of their amazing and unaccountable *silence* on the *subject* of these proofs. For it will be remembered that they condemned him just as though *no* insanity, or *plea* of insanity had been *thought* of even by *himself*. Is it to be wondered at then, that Synod reversed this decision and restored Mr. Fowler by an almost *unanimous* vote, and as we have been informed by a *virtually* unanimous one! In cases before civil courts, a *single act* indicating insanity, though it occurred at a distance somewhat remote from the *crime* charged, always, if clearly proved, operates to exculpate a criminal on the ground of insanity, though he be charged with *murder*. Yet instead of *one* proof of insanity occurring in a career of *otherwise rational* acts, Mr. Fowler has shown, not only that the alleged conduct with which he is charged took place in a *career* of otherwise *insane* acts and indications, but that the *very conduct itself*, even in the opinion of one of the most competent physicians in the country, was *insane* conduct, and fully as strong, if not a stronger indication of actual and *then existing* insanity than any other; and yet he was condemned, and condemned as though he had never exhibited the slightest mark of, or tendency to derangement of any kind. What an unaccountable, what an amazing and astounding decision! We confess when we hear men, (which we are happy to say is now seldom,) attempting with any knowledge of the facts, to *justify* this decision, we are compelled to look for a solution of the mystery to some wrong, some dark *influence* among the *feelings*, perverting and blinding the judgment, throwing an impenetrable shadow upon the understanding, and rearing up, as though by magic, insuperable obstacles between the mind and the overwhelming proofs presented to its view.

But we rejoice to see, that some at least of those who voted with the majority of Presbytery to condemn Mr. Fowler, have since been convinced, and now feel and acknowledge that the opinion they then expressed by their vote, is too absurd to be longer sustained. Facts of this kind occurred at the meeting of the Synod, when the case was again spread out. And then, as an illustration of this kind of feeling, we relate the following among other similar proofs: One member of *Synod*, who was originally nominated by the party opposed to Mr. Fowler, to take testimony in the case, and who was supposed to be, and was, we have no doubt, firm in the belief of his guilt, and possessing all the feelings which such a belief was calculated to produce, when he came to hear all the testimony, his views were so changed, and his conscience made such demands upon him, that like an honest christian, as he is, he broke through all the restraints of previous opinions and feelings, and against the stern opposition of his friends, the accusers of Mr. Fowler, came out openly and decidedly and avowed his irresistible conviction of Mr. Fowler's innocence, and voted for his full and

triumphant acquittal. Another member of Synod said he had been sent to and *urged* to be present *without fail*, to aid in convicting Mr. Fowler, and was told there was no doubt of his guilt, and that he must come on and help to despatch him. "I came," said he "for that purpose, and yet," he continued, "I was never so *astonished and thunderstruck* as I was when I heard the *real facts* in the case as they have here been presented." He then went on to express in strong terms, to the accused himself, the great *change* in his opinions and feelings concerning him, his decided conviction of his innocence, the great injury he had sustained, and his deep sympathy for him in the trying circumstances into which he had been so cruelly plunged. The individuals alluded to above, were Rev. Messrs. Camp and Marvin. And as they will of course see this pamphlet, we trust no one will doubt the truth of the assertions we have made in regard to them. The same in substance might be said of many others, and probably of the great majority of Synod. The truth is, the charges against Mr. Fowler, with all their flagrancy, had been circulated throughout the bounds of the Synod for nearly two years, or at least their general nature, &c., had been industriously published, and it was said by those who were supposed to know most on the subject, that those charges were true and fully susceptible of proof. It would therefore have been exceedingly strange if the minds of Synod had not been *strongly pre-occupied* on the subject, especially when the efforts made to effect this are taken into view. And yet when the case came to be unfolded, all (but one man, who publicly declared in Synod, before a word of testimony was presented, that his mind was *already* made up, and he should vote *against* Mr. Fowler,) all, we say, with this exception, we believe were *surprised*, and many of them *expressed* their *utter astonishment* at the facts in the case, and saw not how there could be *but one* opinion in view of them. Such were the frequent and emphatic remarks in different quarters as the testimony was unfolding, till by that overwhelming and almost, if not quite, unparalleled *majority* in any similar case, Mr. Fowler was *triumphantly acquitted*, and pronounced an *innocent man*. We do not believe a case ever occurred in which a greater change was produced, more formidable obstacles removed, and a fuller and heartier acquittal gained by *truth*, against preconceived opinions, strong assertions, plans, efforts, and subtle and powerful influences. It was the *clearness* of that truth, the numerous, irresistible and overwhelming *facts* in the case, that achieved this most unexampled and triumphant result. But we say no more on this subject. We trust every candid reader is prepared to hold, as did the Synod, Mr. Fowler entirely irresponsible for his conduct when with Delano, *whatever* it may have been. The reader has had an opportunity to examine all the facts in the case; and he has seen

the certificate at the commencement of this pamphlet, stating that these are all the facts presented before Presbytery and Synod on the subject. We have therefore thought it not best to go into any formal *argument* to prove Mr. Fowler's insanity, such argument being in our judgment entirely unnecessary in a case as clear, obvious and irresistible as we think this to be, and we leave the subject with the reader, simply suggesting that if Mr. Fowler *was insane*, and led into improper acts, *unconscious* of their *wrong*, and while a *poor miserable victim* of that terrible *calamity*, ought he not to receive the sympathies of all, and to be treated with a degree of kindness that shall be some alleviation at least of the mortification, the injury, the deep unutterable feelings of grief and anguish that must have resulted to him from the trying circumstances into which he has been thrown by his accusers?

There is one other subject on which we beg the attention of the reader for a moment. It has been often said, and the impression has been attempted to be produced on the public mind, that "Mr. Fowler *confessed* his guilt before Presbytery." Now any one can see the absurdity of this assertion at the first blush. For if he *confessed* his guilt why should he have gone into a defence to *prove* his *innocence*? The circumstance that has been seized and perverted to Mr. Fowler's injury in this respect, is this: When he was first summoned to appear before Presbytery at their meeting in Vernon, (we allude here to their first meeting after the postponement of his case for investigation, spoken of in another place,) he appeared before Presbytery, but they, the Presbytery, or rather his accusers were not *ready* for trial. They had taken *no testimony*, not even that of Delano. But Mr. Fowler was anxious at once to proceed to trial, having come several hundred miles for that purpose, and his health being at that time bad, and the influence upon his mind of a longer suspension of this case being injurious if not dangerous. At the suggestion therefore of some member who understood his condition and circumstances, a private consultation between the parties was appointed by Presbytery to see if some concessions on both sides might not be effected so that the case could go on or at least be commenced. The committee of Prosecution, and Mr. Fowler and his counsel, therefore, retired for this purpose. Before this however, Mr. Fowler had plead "*not guilty*" to *all* the charges. It was now, in this private interview, proposed that he should recall that plea so far as the charge based upon Delano's statements was concerned, as this would save the prosecution the trouble and expense of going off to take Delano's testimony, and thus so far as that had anything to do with the case, (and it was the main charge,) it could go at once to trial. Mr. Fowler was asked to admit, not any *guilt* in the matter, but simply that the transactions alleged by Delano might be true. In the spirit of

conciliation to save the prosecution trouble and himself from the evils of a postponement of his case, and not knowing whether those transactions were or were not true, being insane at that time and now unable to remember, Mr. Fowler consented to the proposal, somewhat modified, and went into Presbytery and plead not guilty to all the charges with this exception, "that the transactions alleged by Delano *might* be *substantially* true, though if they were he plead *innocence* on the ground of *insanity*." These, we believe, were the identical words of his plea. He admitted for the sake of accommodation, &c. that the things spoken of by Delano *might* be *substantially* true, as being in a state of mental aberration at the time he could not *positively* affirm that they were *not* true. This was all the admission he made and it was so understood by all parties at the time. And furthermore, with this understanding of the matter, Rev. Mr. Spencer, the leading committee of prosecution *pledged* himself to make *no use* of the admission to the *injury* of Mr. Fowler or contrary to its *design*, and the other members of the committee did the same. If Mr. Fowler would make this confession (which he could do in truth and without prejudice to his cause as his defence was *then* entirely on the ground of insanity, on which ground, he had at that time no doubt of being acquitted,) it would save them the trouble of going off to take the testimony, and they gave their solemn and united pledge they would make no use of it to his disadvantage. This was the agreement. And yet, what have they done? Why with a total disregard of all these *pledges*, they went out and proclaimed that Mr. Fowler had *confessed his guilt and shame* (!) that he had acknowledged the flagrant charges against him to be true. This impression they endeavored at all times, we believe, and on all occasions to produce, and by it to convince community that they *must* be true and that therefore he must be a bad man, for he himself of course would never have confessed them if they had not been true. This view of the case, a most wanton *perversion* and a violation of *solemn pledges*, they labored most industriously and adroitly to enforce upon the world. But they did more than this. They went before Presbytery and took the ground that Mr. Fowler had *confessed the truth* of the charge and urged *this* as a constitutional reason why he should be *condemned* and *deposed from the Ministry*. All this is known to be true by many in this community and by all the members of Presbytery. Now to show that Mr. Fowler meant to confess *no guilt* in this matter — that he meant to do no more than what is contained in the admission above referred to, we ask the reader what this *trial* means? If Mr. Fowler had intended to concede the truth of Delano's alleged transactions in any sense implying *guilt* or *sanity* on his part in their commission, and if it was so understood at the time, where was the necessity of these lengthened *pro-*

ceedings and contentions, these numerous witnesses, and all this array of testimony to prove his guilt and sanity on the one side, and his innocence and insanity on the other? If he himself had confessed it at the outset, there of course would have been an end of the matter at once. This shows it was not so understood, and that Mr. Fowler was regarded as having made no confession implying guilt, or even as having asserted that the transactions were positively true, for the prosecution, as has been seen in this pamphlet, subsequently brought Delano on the stand to testify. As we have said, all that Mr. Fowler admitted was simply that Delano's story, only a bare outline of which was given in the charge might be substantially true. What less could he do at that time than to say this? Suppose he had denied its truth, would it not have been at once said to him, and with allowable suspicion, "how do you know, if you were, as you now claim, at that time in a state of insanity?" He could neither positively admit nor could he deny that such transactions had taken place. But he could say that they might for aught he then knew, have occurred—that they might be substantially true. This is precisely what he did say and no more.

The truth is, at that time, not having heard Delano's story in its details, neither he nor his friends were prepared to deny it. But since all the facts in the case have come out, we think there is reason to doubt the truth of the whole of Delano's story. We have examined it carefully and patiently, in connection with other facts in evidence, and we are satisfied that not a word of that story about Mr. Fowler's alleged conduct in New-York, can be relied on. We hope the reader will not be surprised at this assertion, but wait, patiently until we have gone through with our statements and proofs, founded solely on the testimony. And if we can show to his satisfaction that the most, if not all of that story of Delano is a mere fabrication—and we think we can beyond a reasonable doubt—then we ask, if there was ever a case of more unfortunate and cruel injustice than this? If we can prove that Mr. Fowler has not only been insane, and suffered all the horrors and agonies of that worst of all diseases, but that even this last and only charge against him is false, that he was never the author of those acts attributed to him, even while he was insane, we think that all will regard his case as one that scarcely has a parallel in the history of human abuses and impositions! One thing is certain, (and we record it before we proceed,) if Mr. Fowler was a deranged man the evening he was with Delano, (and not a witness or any one else, as appears, saw M. Fowler from the time he was with Delano till he was taken up by Mr. Noyes, except Mr. Denio, who passed him on the day he was taken up, which was the next day but one after he was with Delano, and he, Mr. Denio, says, he then "noticed a marked

change in Mr. Fowler's countenance, his veins were distended, his eyes blood-shot, &c.") if we say Mr. Fowler was deranged the evening with Delano, it presents Delano in a most suspicious and unenviable attitude. And yet who can doubt, with *all these facts* before him, and the opinion of all who saw him, physicians and all, that he was insane at the time he was with Delano? But if he was, then did Delano know it? Could he have avoided knowing it? Even taking the appearances and conduct of Mr. Fowler in Delano's *presence* at that time that have been *proved*, were they not of a nature to lead him to *suspect* at least that Mr. Fowler was not fully in his right mind? We say then, at the outset of our review of his testimony, that all the facts that have been adduced to show Mr. Fowler's insanity, show in the same proportion that Delano's position in this affair is at least a very suspicious one, for it is scarcely to be supposed that he could have failed to discover enough of mental aberration and disorder in Mr. Fowler, to have deterred him from the act of leading him into disgraceful conduct, if he had been honest and out for the purpose which he now claims.

REVIEW OF DELANO'S COURSE.

Our general proposition is, that if there had been *no plea of insanity*, there is *no ground of conviction*, as the testimony of Delano, the *only witness*, is **NOT** OF A CHARACTER TO BE RELIED ON, OR MADE THE BASIS OF A DECISION AGAINST ANY MAN. We again express the hope that the reader, before he makes up his mind on this point, will follow us carefully and candidly through the following brief and condensed review of Delano's testimony and course in this affair. We shall confine ourselves closely to the facts in evidence, and assert nothing that is not fully sustained by the record. And as the record of testimony contained in this pamphlet is attested by several as being the true and only facts in the case, we trust the reader will receive what we prove from the record as truth, even though it should bear pretty heavily on Mr. Delano.

Now in endeavoring to sustain the above proposition, we have no desire, but on the contrary a great reluctance, in any measure to injure the feelings or character of Mr. Delano. And we shall not, any farther than compelled to, advance a thought, word, or fact, that has this tendency. We believe he was peculiarly circumstanced in this affair, and perhaps many others who mean, on the whole, to maintain a respectable character and standing, would have taken the course which we think he has, had they been thrown into the same condition. The reader will remember that this whole affair commenced in the court room of the City Hall, in New York, in an interview between Mr. Delano and

Mr. Noyes, and that the former was an inhabitant of Utica, and a member of Mr. Fowler's congregation, (see testimony,) and that the latter, (Mr. Noyes,) had been, when he lived in Utica. In this interview, Delano made an insinuation to Mr. Noyes, of Mr. Fowler's conduct in a certain saloon in the city. This, we repeat, was the *origin* of the whole affair, (see testimony.) Now we have no doubt that when Delano first gave these intimations, and told this story about Mr. Fowler to Mr. Noyes, he went incautiously farther than he intended to. He had seen Mr. Fowler pass the saloon of Bottum the evening before. Mr. Fowler as he moved by, cast a look toward Bottum, who with Delano, was standing in the door of the saloon. Delano asked Bottum "if he knew that gentleman?" Bottum said "no." Now here, *Delano* says Bottum told him a certain story about Mr. Fowler's conduct in his saloon, which the reader will remember constitutes the principal and most flagrant part of the charge against him. But Bottum denies every word of this story under oath, and says that all he told Delano was, that Mr. Fowler had been in his saloon, and that his *appearance* was *singular*, meaning *nothing wrong or improper in conduct*. The next morning, as we have said, Delano and Noyes were in the court room, as the former had a case there of which the latter was to take the professional management, being a lawyer. They had been sitting there, according to Mr. Noyes' statement, some time, we believe for hours, waiting for their cause to come on. At length Mr. Fowler came in, stood a moment and left. This reminded Delano of what Bottum had said of Mr. Fowler the evening previous. And, knowing that Mr. Noyes, as well as himself, was an inhabitant of Utica, or had been, he enquired of him as Mr. Fowler retired, as appears in the testimony, "if there was anything against Mr. Fowler's character that led to his dismissal?" Being answered by Mr. Noyes in the negative, he replied that "perhaps he was not all he should be." Mr. Noyes asked him why he said so, and to give a reason for his assertion. He then intimated that the "keeper of a saloon had told him something about Mr. Fowler the evening before." Mr. Noyes enquired "*what?*" Delano seemed unwilling to communicate, and inclined to let the matter drop where it was. Mr. Noyes however pressed him on the subject, till at length he insinuated about the "*drinking*" and the "*women*" in Bottum's saloon, as coming from Bottum. Here all the feelings of Mr. Noyes were aroused, as of course they would have been. He doubted the truth of that story, and expressed this doubt in strong terms to Delano, and was determined to make enquiries and ferret out the truth in the matter, let it fall on whom it might. Either a clergyman whom he had been accustomed to respect was a corrupt deceiver, or he had been grossly belied and abused.

As the above is substantially the account which Mr. Noyes gives of the matter in the first part of his testimony, which is not here published, we subjoin the following certificate of the gentleman in whose hands that part of it was left :

I, the undersigned, do certify that I have read the above, and that it is substantially the account which Mr. Noyes gives in the first part of his testimony of his interview with Mr. Delano in the court room of the City Hall.

EDMUND W. BLAKE.

Now we are willing, and inclined to believe that Delano, in what he said to Mr. Noyes, intended no particular harm to Mr. Fowler. We think it was not premeditated, but the thoughtless and imprudent suggestion of the moment, occasioned by Mr. Fowler's coming into the room. As he entered and immediately left, Delano doubtless thought of what Bottum had said the evening before of Mr. Fowler's singular appearance, (meaning his manner alone,) and then came the casual and obviously careless enquiry which he put to Mr. Noyes, and thus one thing led to another, till he told the story he did. For if the whole was not the mere thoughtless suggestion of the moment, why, we ask, did not Delano *communicate* it to Noyes *before*? They had been sitting side by side in the court room, waiting for their cause to come on, we believe for hours, and both Delano and Noyes were well acquainted with Mr. Fowler, as the minister of the First Church in Utica. Why then did not Delano mention it before, and not wait to have it suggested by Mr. Fowler's coming in? Such *gross and flagrant* conduct as he pretended Mr. Bottum had ascribed to a clergyman, whom both himself and Mr. Noyes had so often heard in the pulpit, can scarcely be supposed to have been so *easily forgotten* by him, or to have rested so *lightly* on his mind, that he should wait to have it suggested by the actual appearance of the man himself before he related it. To us it seems as though the moment Mr. Bottum made this awful communication, Delano would have been *startled and thunderstruck*, and would have revealed it to Noyes at the very *first opportunity* in the morning, and have revealed it too with an air of sincerity and truth. But instead of this he sat by his side for hours, with nothing to do, till Mr. Fowler entered, and then he evidently, at first, intended to say nothing *definite*, and said what he did by insinuation, till forced by the course of Noyes to give some *facts and reasons*, or be regarded as having insinuated *falsely and without foundation*, against a minister of the gospel. Now having thus *committed* himself to Mr. Noyes in regard to Mr. Fowler's character and conduct there at that time in New York, he must either get something to *sustain and corroborate* what he had said, or go back to

Utica, where he lived, among Mr. Fowler's friends, to encounter the storm which he knew a false report of that *flagrant nature* would create and bring down upon his own head. But what course did he pursue? Did he take Mr. Noyes at once, or as soon as convenient, into the presence of Bottum to have his story confirmed? No, he did not *then*, nor at any *subsequent period*, take Mr. Noyes into the presence of Bottum *at all*. Let the reader mark that, as we shall have occasion to refer to it again. But he went out that evening—found Mr. Fowler in a condition of mental disorder and partial insanity, which, perhaps, from what he knew of his state of mind before he left Utica, and what Bottum had told him about the singularity of his appearance, he expected. In this condition the prospect was that Mr. Fowler might easily be led into acts that would sustain Delano in the assertions he had made about him. The attempt was made. Delano then went, the next day, to Mr. Noyes, and gave such an account of the matter as was best suited to his purposes. In this course there was but little hazard, for if Mr. Fowler was deranged at the time, he would not be likely to know or remember his conduct, and therefore probably would not contradict it; and if he should, Delano's account, in the circumstances, (Mr. Fowler being incompetent,) would be relied on as the truth in the case. And then if any blame should be attributed to Delano, he would have only to say, as indeed he did, that he did *not know* at the time that Mr. Fowler was deranged. Now we have no doubt ourselves that this is the true explanation of the matter. And while we think not a word of all this story of Delano, and to which neither himself nor the prosecution has been able to find another witness, or a single corroborating circumstance, while we think that none of all that report to Noyes, concerning his being with Mr. Fowler that evening, and what Mr. F. did, &c., can be relied on as true, or as having for the most part the remotest resemblance to truth, and while we think that all that occurred on that occasion was nothing more nor less, perhaps, than an attempt on the part of Delano to lead Mr. Fowler astray, which in the main was unsuccessful, still we also think his circumstances at that time, very peculiar, and that many a man by no means lost to a sense of right and wrong, might have been strongly tempted to do what we have here attributed to him. For, as we have said, if Mr. Fowler was insane at the time, it would of course soon be known and therefore the story in the end would do him no injury, while Delano himself could escape censure for going with him by saying that he did not know Mr. Fowler was insane, and thus the whole matter could be got along with, and himself be extricated from the dilemma into which he had thrown himself by his commitment to Mr. Noyes. Let no one here say that this is an unwarranted and unbecoming attempt of Mr. Fowler to dissolve his connection with the con-

duct charged upon him. Let no one say yet, "why does Mr. Fowler wish to throw all the blame thus upon Delano? Since he has proved himself *insane* at the time, and been triumphantly *acquitted*, why is he not satisfied with that?" If the reader knew the circumstances under which the writing of this is now going on, he would make no such charge upon Mr. Fowler. No one can deny that Mr. Fowler is entitled to the benefit of *all the truth* in the case, and that his friends, and we may add *all* who love truth and justice, ought to do all they can to give him that benefit, however much it may involve others. If Mr. Delano *did seek* Mr. Fowler, and make an *attempt* to see how far he could lead him on in a state of mental disorder, and then went to Noyes with a *false* or *exaggerated* account of the matter, it is certainly due to Mr. Fowler that the fact should be known, if for no other reason, that he may not have the mortification of having the conduct associated with his own history, even though he *was insane* and irresponsible. We certainly bear no hostile feelings toward Mr. Delano, and shall be careful to say *nothing* that is not *essential* to our purpose, and if the reader will suspend his judgment in this matter till he has followed us through, he will find that we shall have said nothing which the strictest justice and kindness to both parties would not dictate, and that every proposition is sustained by *direct, unequivocal and indisputable facts* in evidence. To bring out these facts from their concealment in the testimony, (and they certainly are, some of them at least, most adroitly concealed,) cannot surely be regarded as censurable. If they are there, why not uncover them? We shall do it kindly; but to refrain from doing it from a reluctance to represent Mr. Delano in an unfavorable light, great and painful as that reluctance is, would not satisfy our conscience, or comport with our sense of justice to Mr. Fowler and to truth.

We therefore proceed to say, that the solution we have given of this whole affair in relation to Delano, and which in itself, as the reader must have seen, looks plausible, *is the only rational solution that can possibly be given, that harmonises at all with the testimony and facts in the case.* We think we shall be able to show conclusively that no other view can possibly be taken of the subject consistent with a single dictate of reason, than that *not a word* of Delano's story to Noyes, and his testimony in this case can for a moment be relied upon. That all the facts in the case are in perfect consistency with this supposition, and that on any other supposition the whole case is as perfectly mysterious, contradictory and irreconcilable, we think will appear most evident and undeniable from the following considerations:

First, Mr. Bottum swears *unequivocally a flat contradiction* to the story that "Mr. Fowler had been in his saloon with women of the town, &c." This Delano told to Mr. Noyes in his first

interview in the court room, and said he had it from Bottum himself. But Mr. Bottum, who could have had no motive to falsify, but who was then, and is now, an intimate friend of Delano, *denies in toto*, every word of this under oath. His testimony was taken first by a Justice of the Peace last summer, and then just before the meeting of Synod this winter, the *same affidavit* was given by him again as his testimony in the case before D. H. Little, Esq., who went on to take it as a Commissioner appointed by Synod. It was precisely the same testimony he had before given, without the alteration of a word. Nor has Bottum, in anything he has ever said on the subject, however much he may in times past have been tampered with, denied a word of his original affidavit in regard to that story. He has always said, and said under oath to D. H. Little, Esq., just before the case was tried before Synod, that *every syllable* of that story which Delano swears he told him about Mr. Fowler and the "*women*" in his saloon, is *false*. And he farther testified that Mr. Fowler's conduct there was always *proper in every sense*, (see Bottum's testimony.) Here then is our first argument against Mr. Delano, and we leave the reader to dispose of it if he can, on any other than the supposition with which we commenced our review of his course. And then as a corroboration of the above, Mr. Bottum's saloon, as appears in evidence, stood on the corner of Broadway and Ann streets, at the foot of the Park, a most public location, containing confectionary, fruits and soda of the choicest kinds, and was one of the most *respectably thronged and fashionable* resorts of the kind, in the city or country. And we think it *impossible* for any human mind to believe that a minister of the Gospel, with every thing depending on his character, settled within a few hours' distance of New York, in a *prominent position*, and known to *thousands* whom he himself did not know, should have gone to the city where there were always multitudes from all sections of the country, and from none more than from *his own*, and should there have been so *stupidly and madly* IMPRUDENT, whatever his secret character, as to rush upon *certain, irretrievable and terrible ruin*, by stalking openly and frequently into that lighted and crowded saloon, with *well-known degraded and brutalized* womanhood. This we say is *past belief*, and we defy any man to *give credit* to it, especially as the conduct of a man of Mr. Fowler's sense and shrewdness. And yet this is the story which Delano told Mr. Noyes, and therefore which he testified to before the Commissioners, as *coming to him from Mr. Bottum*, but which Mr. Bottum *denies plumply and flatly* under oath. And we leave the reader to judge which of the two is sustained by reason and the nature of things. Now if there were no other circumstances in the case but the simple oaths of Delano and Bottum, they would of course, all things being *equal*, counteract each other, and it would be difficult to determine the truth. But if *all*

the circumstances connected with the case are *against Delano*, or the truth of his story, (as we have already shown in part,) then we cannot doubt on which side to bestow our confidence. And if we believe Delano communicated to Noyes in that first interview, as coming to him from Bottum, what Bottum never told him, even if we had no other arguments against him, why may we not believe that the account he gave of Mr. Fowler's conduct when with him, in that second interview with Noyes, to have been the mere work of his own imagination, without any foundation in truth? We are to look at the *circumstances* as they are detailed in evidence. We therefore proceed.

Now if the reader will turn to Delano's testimony, he will see that at the very commencement of it, before he enters upon the story of his alleged adventures with Mr. Fowler that evening, he swears in most emphatic terms "that he *knows* Mr. Fowler *never knew* him (Delano,) even *by sight*." This we consider a most remarkable assertion. Look at his testimony, and at that of F. Wright, B. W. Thomas, and others, and you will find that Delano was an inhabitant of Utica, a partner of one of Mr. Fowler's church members and friends, and that he, Delano, and his family and friends, were also members of the congregation over which Mr. Fowler was settled, and that all these facts and relations existed during the almost six years of Mr. Fowler's residence in Utica. Could Mr. Fowler then have *met* Delano almost daily, as he must at least in the street, whenever he was in Utica—could he have carried on an intercourse with Delano's *partner* and his *family*—could he have held the relation of *pastor* to Delano's *own family and friends*, and even to *himself*, (though he attended church but comparatively seldom,) and all this too for nearly *six years*, and yet never have *known* him even *by sight*? Could he have lived so long amid all these various, multiplied and constantly occurring *chances, probabilities and moral certainties* of contact with, and *knowledge* of Delano, and still never have heard his name mentioned, never have met a circumstance that brought him to his notice, never have caught a glimpse of him so as to have recognised his countenance in New York, as sufficiently familiar to deter him (Mr. F.) from open acts of disgrace in his presence? Could he, in the strong language of Delano's testimony, have remained throughout the whole of this long period in *utter ignorance* of his very "*name and person*," or which is the same thing, never have *dreamed* that such a man had a *being* on earth? Is this credible? Is it morally possible? Yet Delano—yes *Delano*—not Mr. Fowler himself—swears that he *knows* this, that he has *no doubt* of it, and *repeats* it, and repeats it too in the strongest possible terms, and with manifest earnestness and anxiety. But how in the name of reason, we ask, did Delano know who Mr. Fowler could recognize by sight, and who he could not? How did he become

possessed of that peculiar power to discern what faces were recognisable as familiar, and what were not by another man's eye and mind? And more than all, how did he get this power in such *perfection* that he could say, "he *know* and had *no doubt*" Mr. Fowler did not know even his "*name or person*," or that such a being ever lived! And remember this was said of Mr. Fowler as applying, not to the spring of 1811 in New York when with Delano, but to times and *all times previous*; and it was said too, before he had testified a word in regard to Mr. Fowler's conduct when with him, and said with much evident anxiety and emphasis as though he wished to fasten it on the minds of his auditors at that early period for a special purpose, to fortify them by special precaution against something that would be likely to arise thereafter: for it has no connection whatever with the particular topics on which he was then speaking. Now it is easy to be seen that as Delano should go on with his testimony and come at length to the conduct of Mr. Fowler when with him in New-York, the query would be likely to arise in the minds of the commissioners and of all, as Delano was an inhabitant of Utica, &c. &c., "how came Mr. Fowler to do that before *Delano*, one of his own *townsmen*? What could have possessed him to do such deeds in the presence of a man who he must have known would return to Utica and *expose* and *ruin* him? How is it possible that he *could* of his own accord, and by his own invitation, have gone out with such a man, his *own neighbor*, and have unfalteringly exhibited such *corrupt* and *shameless* propensities when he must have *known*, he was rushing on *sudden* and *fearful* destruction? Ah! he was either *deranged*, or he *never did* these deeds, and therefore you, Mr. Delano, have either spoken *falsely* and the whole is a mere *fabrication*, or else you have been leading into disgraceful scenes an unfortunate and miserable *lunatic*, a man *devoid of reason*." We ask the reader if these would not have been the reflections and conclusions of any candid mind? Are they not now? Can *you* — can *any* man avoid them? Is it not as certain as the truth of any moral demonstration under heaven that Mr. Fowler was either *deranged* when with Delano, or else that the story Delano has told about his conduct is *false*? And is Delano so ignorant and obtuse in intellect, that he would not have *foreseen* and been likely to *guard against* this inference, this clear and inevitable conclusion from the facts in the case? Thus we have seen that Mr. Fowler must have known Delano at least, by sight, and therefore that Delano's assertion, that he did not, is false and most singular and presumptuous, considering *where* and *how* it was said. We also see that if he did find Mr. Fowler a lunatic, and has spoken falsely about his conduct, he would have been *likely* to say it, and to say it precisely *where* and *as* he did.

Again, Delano swears (p. 25 : 31,) that in consenting to go out

with Mr. Fowler that evening in New-York, "his *only object* was to ascertain whether he (Mr. F.) was or was not a *bad man*." Now as Mr. Noyes had requested him to make this discovery if he could in some way, and he agreed to do it, and as any *other* object would have been *unjustifiable and disgraceful* and what no honest and virtuous man would have permitted to govern him, we should expect, as a matter of course, that Delano, in whatever light we view him, would have *claimed* that this was his only object, which he has done most *frequently and earnestly* throughout his testimony. If he were honest and true he would have *had* no other object — if he were false and designing he would *profess* to have had no other. It seems to us, then, that we have only to determine whether this *was* his only object or not, to determine whether he has been *true or false* in this matter. Let us see. If the reader remembers, Delano says in his testimony, that on the evening himself and Mr. Fowler were out together, they came into the neighborhood of a brothel and that as they approached it Mr. Fowler began to talk about it, and made a *proposal to enter it and mix with its inmates*. Reader, was not this *proposal* a complete *demonstration of his character*? Was *any other* proof needed to produce in the mind of Delano a conviction that Mr. Fowler was a "*bad man*?" Could any other have added to the strength of that conviction? And yet you find that *after* this he went, according to his own account, into the house — that he used the utmost stratagem and concealment to keep Mr. Fowler along until he got into the house and to lead him into disgraceful conduct while there. If the reader will turn to the testimony he will see that Delano used the most disgusting means and became himself for the time a free, familiar *libertine* in his manner, conduct, &c. to *deceive Mr. Fowler* as he says, and thus to *induce* him to go as *far as possible* astray. All this he did *after* Mr. Fowler made the *proposal*. At least this is the state of things in the testimony. But does this look as though Delano was so *pained at heart* with Mr. Fowler's conduct and character as he *declares* he was, and so much so, that he did what he did only as *compelled* by the *painful* desire or duty of *ascertaining* Mr. Fowler's *secret character*, this being his *only object*, and he being *exceedingly reluctant* to do even what was necessary to accomplish *this*? Does it look as though he had these feelings, and shuddered at the very idea of going *any farther* than simply to discover whether Mr. Fowler was, or was not a "*bad man*?" These were his pretensions, as the reader may see frequently and earnestly repeated in his testimony. Now one of two things must be true here — either all he has said about going on that excursion with Mr. Fowler is *mainly a fabrication*, or else he went to *lead Mr. Fowler astray*. His object was *not*, upon his own showing, as any *virtuous and honest*

man's *would* have been and as he swears *his* was, *only* to ascertain Mr. Fowler's *secret character*, but to lead him into *disgraceful scenes*; for almost *the whole* of Mr. Fowler's conduct related by him occurred *after* the alleged *proposal* was made, and in that conduct Delano *avowedly* took the *utmost pains* that Mr. Fowler should go *as far as possible*. We say again, his whole story is false, or he went to lead Mr. Fowler astray, being in a disordered state of mind. Thus his testimony wants *harmony* — his representations are *contradictory* — and the whole is in perfect keeping with the solution we gave of his course at the commencement of our review.

Again. Mr. Delano says, Mr. Fowler was in Bottum's saloon, when he found him that evening, and that he, (Mr. Fowler,) there invited him to go and take a walk with him, and that they went out together and the conduct in question occurred, &c. Mr. Noyes, he says, had requested him to go out and endeavor to ascertain Mr. Fowler's conduct by following him at a cautious distance, and seeing what he would do when he, (Mr. Fowler,) thought himself *alone and unobserved*. Now reader, look with attention for a moment at the *fact* that Delano went out *at all* that night with Mr. Fowler, and see what it proves. Put *yourself* in *his position* when Mr. Fowler invited him, as he says, to take that walk. Would you have *complied* with the invitation and *gone with him*? If you wished to ascertain the *secret character* of a man in that *only* way in which it could be *likely* to be done, by watching and observing his movements when he thought himself *alone and unnoticed*, would you go *with* him and *remain by his side*, or let him go *alone* and then follow after? And remember, Mr. Fowler did not even *suggest* the *object* of that walk: for Delano testifies that when he discovered the first indication of any thing wrong in Mr. Fowler after they got out, "he was *surprised*, he had *no idea* that Mr. Fowler would do so." If then a man, under those circumstances, were to invite you to go, would you *comply*, or would you *excuse* yourself and let him go *alone* that you might accomplish your object? Would you not reason somewhat thus: "no man, especially no *minister* occupying a prominent post in the heart of the State and known to thousands, will *act out* a vicious character, if he possesses it, while an *invited witness* is by his side. He will not *show* himself a wretch — he will not surely *exhibit* his corrupt passions before my *very eyes* and thus expose himself to *certain ruin*. No I must *decline* his proposal to walk. He has not told me the *object* of the walk, and surely he does not mean to invite me to go and be a *witness* of his *guilt* and *shame*. This would be entirely *unnecessary*, for he can as well go *without* me as *with* me, and if he be a bad man I can have *no hope* of *detecting* him in his secret crimes, if I go *with* him. I will therefore let him take his departure *alone*, and then pursue him at a cautious

distance." Now we ask if something like these are not the reasonings which would suggest themselves to any man in the world with a particle of common-sense, if he had been in Delano's place and circumstances at this time? Would not this view of the subject have forced itself upon his mind as though by an involuntary impulse? Would he have thought of any other course? How did it happen then that Delano, who was out at that very time for the purpose of ascertaining, as he said, Mr. Fowler's *secret character* in the only way in which it could be detected, by watching his secret conduct when he thought himself *alone* and *unobserved*, how did it happen that Delano, contrary to Mr. Noyes' request and expectation, and his own promise and plan, and against every dictate of *common-sense* and *reason*, went out *with* Mr. Fowler, to *remain by his side* and without the least *necessity* or any other cause but a single slight invitation? Did he think—*could* he have thought that this was the way to ascertain his secret character—to get a view of his heart through the medium of his outward conduct—to see the carefully concealed propensities of that heart coming out and embodying themselves in *visible and hideous forms*? Did he think this the true course to detect a minister of the gospel, throwing off for a moment the garb he had so skilfully and cautiously worn, and exhibiting to *full view hidden passions*, which of course he would not for *worlds* have emerge from their concealment where he thought there was any chance or *possibility of exposure*? Does the wild animal issue from his den when he knows the hunter, armed or unarmed, is standing at the mouth of that den, or even the harmless stranger is passing at a distance? Was Delano so weak as to think that, even if Mr. Fowler's propensities were ever so strong in that direction, he would be likely to *give loose* to them in *open acts of disgrace* when the eye of a *witness* was upon him? Could he have been so devoid of sense as not to know that the *very way to prevent* Mr. Fowler, if in his senses, from doing what he professed to believe he had it in his heart to do, was to *impose upon him the restraints of his presence*? How then, reader, do you account for the course which Delano swears he pursued? What was his *object*? You have seen that it could not have been to see if a sane and intelligent minister of his own *accord*, would expose his depravity to the eye of an invited witness, and himself to utter ruin; or to ascertain his secret character; for his course was directly calculated to *defeat* such an object. There are only two ways in which it *can* be accounted for satisfactorily to any reasonable mind. The one is, that he never went out *at all* with Mr. Fowler, or that the whole story is incredible and unworthy of belief. The other, and as we think the true one is, that he went out with him, but went *on purpose to attempt* to lead him *astray*. He must have had *some* object. It could not have been the *virtuous and painful* one (as he says,) of *testing* Mr. Fow-

ler's character by *witnessing* or *detecting* his *secret crimes*. It must therefore have been to *tell* him if possible into the commission of *something* that would sustain *himself* in the charges against Mr. Fowler which he had made to Mr. Noyes. But this he could not have hoped and would not have attempted to do, of course, unless he saw Mr. Fowler was in a *state of mental disorder*, without reason and self-control. Here then is another fact which appears when we pry a little into the details and beneath the surface of Delano's testimony; and it goes to strengthen the general supposition with which we commenced our review. (The reader will see by turning to them that all the *facts* on which we base our remarks are in the testimony.)

Again. Delano represents that before he saw Mr. Fowler that evening, at Noyes' request he had gone out to watch him—that just at the moment when he *commenced* watching, Mr. Fowler *happened* to come where he was, and that although he did not *know* Mr. Delano even *by sight*, he, Fowler, *voluntarily invited* him to walk, and when out, did, in his presence *exactly what* he, Delano, had *before told* Mr. Noyes he *would* do. This, we need not say, is Delano's account of the matter. Now we ask the reader very carefully and attentively to examine this part of his story, and see if he does not discover in it the *strangest* and most *incredible combination* or *coming-together* of *strange* things that ever entered into the *dreams* of the *human mind*. If we are not mistaken, there is a striking and most fatal *improbability* in the view we are about to present; and if the reader does not get the full force of it from the first perusal, we respectfully request him to read it again. We will endeavor to take off the covering in a manner to render this hidden and palpable absurdity obvious. We say it is a most marvelous and incredible combination of several strange coincidences, themselves incredible.

The following is the state of facts as Delano represents them. He, Delano, has told Mr. Noyes that Mr. Fowler *would* do and *had done* certain *base things*. At the request of Noyes, Delano is to go out and *watch* Fowler at a specified and appointed hour. Fowler is a *stranger* to Delano, and does not know him even *by sight*. The hour for watching arrives,—Delano goes out—it is evening, and both Delano and Fowler are moving and mingling, *unknown* and *unseen* by each other, among the *hundreds* of *thousands* who at this time are walking the streets of the city. This is the state of things precisely at *that moment* when Delano *commences* his pursuit of Mr. Fowler. Now comes the chain of incredibilities. First, who, of all the *vast multitudes* walking those streets, any one of whom were as likely to do it as Mr. Fowler, *he* being as much a *stranger* to Delano as *they*,—who among them all should *happen* to go where Delano is but Mr. Fowler himself, the very *object* of Delano's search, whom he had

gone out *if possible*, to find and pursue. And what should he do when he arrives, but *actually and voluntarily* INVITE him, Delano, to go out with him on a walk! Yes, Mr. Fowler, the *very object* of Delano's enquiry and pursuit, is the one of *all the crowds* absolutely to go to him and request him to walk! Now we suppose that it does not happen once perhaps in *fifty years*, that a stranger goes up to *another stranger* in this way to invite him to go out with him to walk for pleasure. This *itself* and alone, it would require no little credulity to believe. But that the stranger who did this *strange thing* should have *happened* to be, among *all others*, the *very object* of that other stranger's search, whom he had gone out to watch, renders the thing vastly *more* unnatural and incredible still. But this is not all. It not only occurred that one stranger asked another stranger to walk—and furthermore, that *that* stranger, the *very object* of the other's search, of all the multitudes, who were as likely as he to do it, *happened* to be the very one to go to him and give the invitation—but he happened to do it PRECISELY AT THE VERY MOMENT when he was commencing his search, and did it too, not by Delano's seeking him and placing himself in his presence, but by absolutely going to Delano, coming at *that exact instant* into the place where Delano was. Now surely it was *exceedingly* singular that Mr. Fowler, who did not know Delano by sight, should not only of his own accord have given such an invitation to him, and that *he*, the *only* one and the *very* one among those *vast crowds*, whom Delano had gone out, *if possible*, to find and pursue, should have been the one to do it, but that he SHOULD HAVE DONE IT AT THAT PRECISE MOMENT. This is *heaping up* marvelous coincidences in a manner almost *miraculous*. But the mystery stops not here. Let us follow them out upon the pretended excursion, and what do we discover? Why, that Mr. Fowler, the object of Delano's chance pursuit, commits, before the eyes of Delano, that *invited witness* to whom he went with the invitation at the exact moment he began his pursuit, the *very sins* which he, Delano, had *previously told Mr. Noyes* he would commit!!! Now we do not believe such a thing as this last, embracing such a coming together of peculiar incidents, would occur again in CENTURIES. And we most respectfully submit to the reader that the *whole put together*, is a most marvelous and absolutely incredible story. Here are several distinct occurrences—each of which in *itself* is unnatural, unusual, and mysterious to the *last degree*, and would not, probably, take place again even *alone* perhaps for centuries—all *transpiring at one moment* and combining in one scene. Here is first, a stranger asking another stranger, without a single circumstance to bring it about, to take a walk about the city. Is not this unusual in the extreme? Then one of these strangers was the *very object* of the other's pursuit—both were mingling, separate and apart, among

the vast multitude of the people—and yet they happened accidentally to be the very two strangers to come together, and to do the strange thing of *giving* and *receiving* an invitation to walk. Was not this a most curious freak of chance? Then the *time* of all this *happened* to be the *very moment* when the one had *gone out* to try, if *possible*, to find and pursue the other. It neither occurred *before* nor *after*, though, for ought we know, there was the same chance for it. No, it happened to be at *that peculiar moment*. Was not this in *itself* a marvelous coincidence? And finally, before the *very eyes* of Delano, who was at that time not only the *searcher* appointed by Noyes, and the *witness* invited by Mr. Fowler, but the *very man* who had *said* Mr. Fowler would do *certain acts*: before his eyes did Mr. Fowler, in a manner most unaccountable, commit the *very acts* which Delano had *previously* told Mr. Noyes he was none too good to commit. Here then, we repeat, are several *distinct occurrences*, each one of which, *itself* and *alone*, is most unusual and incredible. And if any *one* of them should constitute part of a story, it might well lead us to pause and reflect before we received it as truth. But Delano has brought them *all together* into *one brief scene*. He has given us a most *amazing coincidence* of *amazing coincidences*! Now we do not know as we have made ourselves understood in this, and perhaps is is but a mere *kink* in our own minds. But we hope the reader will weigh it well before he gives it up in despair or disgust. For we *sincerely think* we see in this view the most *marvelous* and *incredible coming-together* and *dove-tailing-in* of the *strangest providential coincidences* that ever occurred in all the mysterious chance circumstances, or rather providential arrangements, that ever took place. But if this part of Delano's story as it now stands, be incredible, then what are we to believe about it? If he *did* go out with Mr. Fowler—if the whole is *not* an *entire fabrication*, and we cannot account for it as he *represents* it, then what are we to do? The reader will perceive that this representation, precisely as Delano has made it, was *essential* to screen him from *censure* and *guilt*, from the charge of having had an *agency* in *leading* Mr. Fowler astray, and to keep out of sight Mr. Fowler's *insanity* at the time. Delano must of course represent that Mr. Fowler *voluntarily* came to him—that of *his own accord*, he, Mr. Fowler, *invited* him to walk, &c. &c., else he would involve himself at once. Now just for one moment, change the *agency* in this affair. Just suppose that Mr. Fowler was *deranged*, and that Delano *sought* him, *went* where he *was*, and that he, Delano, gave the invitation to walk, and that he was the *prime agent* designing and bringing to pass by his *own management*, all these facts and occurrences, and that having done all he could he went to Mr. Noyes and reported that Mr. Fowler had committed those very sins which he had before told him he would; just admit *this*, and your strange

combination of strange coincidences, is at once reduced to a *common place, intelligible and straight forward* occurrence. For surely Delano *might* have gone out and found Mr. Fowler—he *might* have asked and urged him to go with him, &c.: there is no *mystery* in *this*; and therefore, if you admit it, you may *retain* the principal facts of their meeting and going out, &c., and it is all a plain and common occurrence. But if you *deny* this, you cannot, to save your life, suppose there was *any* meeting or going out *at all*, without admitting the most mysterious and unusual coincidences that ever took place; because, *Delano knew* Mr. Fowler, he had seen him, the evening before, pass the saloon, and had made arrangements to go out in pursuit of him, and therefore, *he* could have *designed* and *brought about* all this. But, Mr. Fowler, on the other hand, *knew not* Delano even by *sight*; at least, this is Delano's representation; and therefore he, Fowler, could not, of course, have *sought* Delano by design, &c., nor would he, if he *did* know him. If then you admit the *facts* of Delano's representation—that they went out *at all*, and that *Mr. Fowler* went where he was, gave the invitation, &c.—the *whole* must have been *mere accident*, as Delano says it was, and if so, it is the greatest mystery, the most incredible combination of coincidences, that ever occurred, or entered the *human imagination*! Thus while Delano was *obliged* to say that Mr. Fowler did *not know* him even by *sight* (for if he did, the enquiry would be, “how came he then to do those deeds in his *presence*?”) he was also obliged to say that Mr. Fowler *came to him*, and of his *own accord* invited him, &c. But the two the reader has seen, are *inconsistent*, and constitute the *origin* of a part of the *mystery* and *incredible nature* of this portion of his story. Here then once more we are sustained by Delano's own testimony in the solution we gave at the commencement of our remarks.

Again. The reader will see that Delano, all along in his testimony, several times distinctly *disavows* in strong terms of solicitude and earnestness, having used any *influence*, or exerted any *agency* whatever to lead Mr. Fowler astray. This he did as appears, to Mr. Noyes, the very *next morning* after the evening he was with Mr. Fowler, and when there was not a *suspicion* on the part of Mr. Noyes, of Mr. Fowler's *insanity*; neither could there have been on his *own*, if Mr. Fowler was really *not* insane when with him. We ask then, if neither had such a suspicion at the time, and Delano, as he now says, had never heard that Mr. Fowler had ever been deranged, why should he have been so *exceedingly fearful* that Mr. Noyes and others should *think* he had led Mr. Fowler astray? For who would suspect this of him? Into whose dreams would the absurd and ridiculous notion enter that a man like Delano especially, had the *power* to take a *minister* of the *gospel*, in the *full possession* of his *reason* and *judgment*, and whose character was *his all* and watched and guarded by habit and

necessity as the apple of his eye, and lead him on like an idiot, a puppy or an ass in human shape from *groggery to groggery*, and from *brothel to brothel*? Who would think he had the power to do it? From what quarter of human ignorance would such a suspicion arise? From none. If Mr. Fowler had been in his senses that evening, and Delano had had no *thought* to the contrary, there would have been no call on the part of Delano, no *secret motive* or *inclination*, to interlard his story, as he did to Noyes the *very next morning*, and has in his testimony, with these frequent *apologies* and earnest *denials*, these precautions and anxious *defences* of himself against the idea of a direct and wicked *agency* in leading Mr. Fowler astray. But just admit Mr. Fowler's *insanity* when with Delano, and that the part he performed was an *attempt* to take advantage of his insanity and to *persuade* him into scenes of *disgrace* — just admit this, and these frequent and emphatic denials and explanations are perfectly natural and what might have been expected. The old adage is too replete with truth ever to become stale by repetition that, “a guilty conscience needs no accuser.”

Again. In perfect keeping with the above, Delano manifested the strongest possible *reluctance* to admit Mr. Fowler's insanity. We wish the reader to look at this for a moment. After Delano knew Mr. Fowler had been taken to the asylum a *decided lunatic*, that all who saw him, physicians and all, had *pronounced* him insane, and in view of all the *overwhelming evidences* in the case, and of all he *himself* witnessed that *looked like* insanity, he deliberately and solemnly swore, not simply that he did not at the time believe Mr. Fowler was insane, but that he could not *now*, after the most mature deliberation and reflection, and *all the above proofs*, think of a single *fact, circumstance or reason*, that led him to think it *possible* that he *could* have been deranged. This he said when on the stand, as may be seen in his testimony. Now this *great reluctance*, and the *strong terms* in which he expressed it, is just what might have been expected if he found Mr. Fowler deranged and made an attempt to lead him astray.

Again. We wish the reader to observe, if he has not already, Delano's strange *indifference* about following Mr. Fowler those *evenings* in New York. It will be seen by an examination of the testimony, that, although Delano had told Mr. Noyes he should pursue and watch Mr. Fowler with diligence and perseverance, and although he had, if there was any foundation for what he had told Mr. Noyes concerning Mr. Fowler, *every possible reason* so to do, yet that he *did not follow an inch* after Mr. Fowler, except once about half a minute, *unless some one else* was with him, and even then his conduct evinced a desire rather to *abandon* than to *continue* the pursuit. Instances might be alluded to, but the reader will find this singular feature in *both* the above mentioned respects,

standing out *fully to view* upon a particular examination of the testimony. See for example, the instance of Delano with Mr. Williams. They were out together watching. Mr. Fowler passed. But such was Delano's *reluctance to pursue* that Mr. Williams was obliged to go on without him, "and that was the last," says Mr. Williams, "I saw of Mr. Delano that evening." Mr. Williams and others kept up the chase like eager and skillful policemen, whenever and wherever they could descry among the crowds, enough of Mr. Fowler's identity to create a *suspicion* that the object of their search was there. This was honest and true. It was an evidence of, and arose from a sincere apprehension, from what Delano had communicated to Mr. Noyes, that Mr. Fowler might not be all which he ought and seemed to be. But not so with *Delano*. He never pursued *at all alone*, as appears from the testimony herein recorded, and when with *others*, he manifested a strange *indifference*, and even *reluctance*. Now, reader, how do you account for this? Delano ought to have been the *most zealous and wakeful pursuer of all*. He had told Mr. Noyes Mr. Fowler was then in the city going into all the *excesses of a wine-taster and a libertine*. Mr. Noyes *doubted*, and *expressed* his doubts to Delano in strong terms. There was much excitement. Some believed—others did not. Mr. Fowler's friends were denouncing Delano. If therefore, Delano's story to Noyes, and which he has here sworn to, had been *true*, and Mr. Fowler was spending his nights as he had declared he was, *certainly he*, Delano, would have exerted *every power* to have Mr. Fowler *detected*, that *his* assertions about him might be *proved* to be true. He would have led on the pursuit with a zeal which none else would have been likely to possess, a zeal arising from the personal interest to *himself* and *character* as a man of truth, that was at stake, and from the fearful responsibility then resting on him as the *sole author* of those *appalling charges* against a minister of the gospel. But instead of this we find him exhibiting the very *opposite* feelings. What was the cause of this mysterious appearance and conduct? If we cannot make it harmonize (and we see we cannot) with the supposition of the truth of his story to Noyes, and testimony in this case, then let us see whether, like all the features of his course hitherto considered, it fits the *other idea*—whether, like them, it corresponds with, and *only* with our *general supposition* in regard to his real position in this affair. Now if that story to Noyes about Mr. Fowler's conduct in the saloon, and during the excursions that evening, was *essentially false*—if Mr. Delano had *no reason* whatever to believe Mr. Fowler corrupt or spending his evenings in the manner reported by him, then certainly when *alone* he had *no motive* to watch Mr. Fowler. He might *pretend* to Mr. Noyes that he would pursue him to the *last*. This we should expect, and this *he did*. But we should

also expect to find him when away from Noyes and alone, manifesting no disposition to follow him, because, we repeat, he would have no motive if he had no reason to suspect Mr. Fowler. So far then, we have found a natural cause on our general supposition. But the reader may ask, "why should he be reluctant when others were with him engaged in the same pursuit?" We answer by putting an enquiry. Suppose you *falsely* tell A that B is running about among grogeries every successive night. A doubts it and is much excited, and proposes to go with you to watch B's course. You go out together. Soon you discover B. But his conduct is *not* what you described, nor have you any reason to believe it *will* be, though you watch for *hours* and *weeks*. Hence, A at the outset, seeing no such conduct in B, begins to doubt *more* and *more* the truth of your story. You see it. Would you not then wish that the pursuit should be *abandoned*, and do all you could to effect it, knowing that the farther you should advance the more the doubts of A would be *strengthened*? So with Delano. He feared that *perpetual watching*, without the discovery of *anything wrong* in Mr. Fowler, would go to weaken more and more the force of the charges he had made against him, and to lead those with him to *transfer* their suspicions from Mr. Fowler to *himself*. His conduct in this particular then, is totally inconsistent with the supposition of his truth and honesty in this affair, and as perfectly *consistent* with the *opposite* supposition, and can be explained on *no other*. And the reader will remember from the testimony, that, although Mr. Williams and others *did* watch faithfully night after night till a very late hour in the evening, they discovered nothing whatever to confirm Delano's story about Mr. Fowler. They saw him wandering about like a poor uneasy lunatic, but saw no indications whatever of any connection with women, or inclination that way. Mr. Fowler went into various streets and out again, but from beginning to end, not one of all the pursuers saw any disposition to approach even any bad street or have any thing to do with the women passing in every direction. We wish the reader to remember this as an important general fact, and as very much strengthening the solution we have given under this head, of the motives and conduct of Delano.

Again. We wish the reader now to go with us for a moment into the history of the evening Delano and Mr. Noyes were together. It will be remembered that on the next morning after Delano was with Mr. Fowler, having called on Noyes and informed him of what he alleged had taken place the night before, Noyes requested Delano to go out with him on that, or the then coming evening, that *he* might see and know for himself—Mr. Noyes, contrary perhaps to Delano's expectation, still doubted, and so expressed himself at the time. But that he might be satis-

fied, he proposed that they should go out together, that Delano might *show him* some proofs of Mr. Fowler's guilt and of his being the man whom Delano had said he had been with. To this proposition Delano *objected*. Let the reader mark that. For it is expressly stated in the testimony that "it was at the *earnest solicitation* of Noyes" that Delano at length "*consented*." Well the evening came, and they went out. But observe, Delano took *the lead* in this investigation—he and he *alone* entered every place at which they made enquiries. He pretended to discover evidences of Mr. Fowler's guilt and identity; but he *managed to conceal them all from the view of Mr. Noyes!* Look at the testimony, reader, and you will see it stamped with this singular feature which appears in the following:

They had been watching and searching in *vain* till past the hour of midnight. They were standing in front of the American Hotel, where Mr. Fowler had taken lodgings. A suggestion was made to enter the Hotel and see if the key of Mr. Fowler's chamber were hanging in the bar. If it should be, it would show that he was probably out at that unseasonable hour, and would therefore be an argument against him. But who entered? Did Mr. Noyes? He was the one to be *satisfied*. Delano *already knew* (!) Mr. Fowler was guilty and the man with him the night before. But, strange to say, no sooner was the suggestion made than Delano himself and *alone* entered, returned and said the key was there and *immediately left* with his companion, as though to prevent farther enquiry by Mr. Noyes, and was there no more. Mr. Noyes was not called on to see the key. And he took the pains, as the reader may see, to insert at the very *bottom* of his testimony, a *special note*, stating distinctly that "*he did not see the key but that Delano said it was there,*" as though he had no confidence, as he evidently had none in the truth of what Delano then told him, and wished to leave this as the *last and strongest impression* upon the minds of all who should hear or see his testimony. The *bar-keeper* of the Hotel—there at the time of course, and who must have *informed* Delano, as he, Delano, could not have known *which* Mr. Fowler's key was—that bar-keeper was not called to testify. The commissioners were in New York to take testimony and to search for facts, and the counsel for the prosecution made the most *thorough* enquiries at the Hotel. Yet the reader has seen, or may see, that neither the keeper, the bar-tender, or any one else from that Hotel was produced to speak of the "*key*" or of Mr. Fowler's being *out that night* or any *other*: and certainly they must have known it if he had. If Delano had gone in and enquired, (past the hour of midnight when all had retired but the bar-tender, or whoever was there,) if, we say, he had enquired "*which was Mr. Fowler's key,*" &c., certainly it would have been known, and some one would have been brought

on the stand to testify to it, and to Mr. Fowler's having been out at those *late hours*. But more than all, if Delano *did* as he pretended, find the key, *why did he not show it to Mr. Noyes*, instead of promptly entering *alone*, and leaving in a *hurry* the instant he returned? That would have been a strong circumstance in the mind of Noyes, showing both Mr. Fowler's guilt and identity. But there was another instance of the same general character. They stood before the house in Church street, (the house to which Delano said he and Mr. Fowler went the evening before) it was suggested that enquiries should be made there. Here too, Delano entered *promptly* and *alone*—said the woman told him certain things about the night before, &c., which, if true, would have influenced the mind of Noyes; but again he *hurried away* from the place as soon as he returned. Perhaps it may be said, that Noyes had no *suspicion* of Delano's veracity and that Delano had none that he, Noyes, would doubt it, and therefore it was taken for granted that when Delano *said* he had made a discovery, both parties were satisfied. But why was Mr. Noyes so anxious then to *go with* Delano—nay, why did he *think* of going *at all*? Delano had *already* told him that the night previous he had been in company with Rev. Mr. Fowler, who stopped at the American Hotel, and both Delano and Noyes knew Mr. Fowler of Utica, and knew he had taken lodgings there. And Delano said he had been with him and already *knew* him to be a bad man, the very thing which Noyes doubted and of which he went out to get proof. Now what did the key prove? Why, simply that this Rev. Mr. Fowler was out, and was, therefore, a bad man, the *very thing* of which Delano had *before* said he had had evidence. If then, Mr. Noyes did not feel satisfied *before*, why should he *now*? What had he to rely upon *before*? Delano's *word* that he had certain proof of a certain fact. What had he *now* to rely upon? Delano's *word* to a certain proof of a certain fact. The ground on which Noyes was left to judge was the *same* in *both* cases. The truth is, Noyes doubted and wished to see and know for *himself*. Delano might be the only eye witness till dooms day and Noyes would be in the same condition of doubt as before, still having no other foundation for *his* belief than the mere *word* and *opinion* of Delano. Thus, in the first interview, Noyes says, "I asked him to go with me to Bottum's, as I wished to see if Bottum would tell me the same story." But why did he wish to go to Bottum's? Not to ascertain Mr. Fowler's *identity*, for Delano had told Noyes that Bottum "did not know who the man was till *he*, Delano, *told him*." No, it was, as he says, "to see if Bottum would *tell him* the same story." But if he was not satisfied with Delano's statement *here*, why should he be in regard to the *key*, or any other discovery he pretended to make? And then, even if Noyes had *not* doubted either Delano's *word* or Fowler's *identity*, it seems to

us that if Delano had discovered proofs, even the *slightest*, of Mr. Fowler's guilt, and of course of the truth of his own representations concerning him, he would, without fail, have shown them to Noyes, and, if necessary, have absolutely compelled him, as a matter of justice to himself, to be an eye witness. Reader, suppose you had detected a minister, holding a high position, in the act of committing the grossest sins, and you had proclaimed it, and some believed, some doubted, others denounced you, while all were amazed and excited; and suppose, while the storm was thus beating around you and you stood *alone* under this fearful *responsibility*, an occasion should occur on which you could, without the least inconvenience to yourself or to him, make some well known and most credible gentleman an *eye witness* to facts that went to establish the guilt of the man in question, and the truth of your statements of his conduct, would you not *improve* that opportunity? Would you not seize it with promptness, and regard it as a propitious interposition of Providence to expose the guilty, and to relieve yourself of the suspicion and denunciation which, while you remained the *only author* of such *gross charges* against a minister, you could not hope to escape? And if the individual present on this occasion had the *utmost confidence* in your statements and was *disinclined* even to become a witness, would you not *demand* it as a matter of right and justice? What then would you do, or rather, what would you *not* do, if he *doubted* and went with you with the *very object in view* of being *satisfied*? Why, you would *not fail*, if possible, to have that object *secured*.

As then, Mr. Noyes went out *on purpose* to see and know for *himself*—as the whole *responsibility* of these *fearful charges* against Mr. Fowler rested with Delano *alone*, and as Noyes and others *doubted*, and there was much *excitement*, would it not have been of all things in the world the most *natural* and *unavoidable*, for Delano to have *greatly desired* Mr. Noyes to fix his own eye on every thing which he himself discovered, calculated to show Mr. Fowler's *guilt* and *identity*, and the *truth* of his own previous declarations concerning him? Why, then, was *all this careful and studied concealment*, especially as Noyes went out *on purpose* to see for *himself*? In view of all the circumstances, *can you believe*, reader, that there were *any such facts as the key* hanging in the bar, and the *story of the woman*? Was it not all a *fabrication* on the part of Delano to prevent the effect on the mind of Noyes of a *total failure* that evening to discover any thing wrong in Mr. Fowler? Now, it may be asked, "how came Mr. Noyes to take the course he did? Why did he not go in himself and see the key, &c?" We think, if the reader will put himself a moment in the place of Mr. Noyes, he will discover an adequate reason. He had probably known little or nothing of Delano. Delano had become his *client* and recently committed an *important*

legal suit to his care. When, therefore, Delano came out, for instance, at the Hotel, and said the key was there, and then turned *immediately away*, Mr. Noyes could not have requested him to *tarry* till he *himself* should go in and examine, without seeming to doubt the *truth* of Delano. He could not say, "stop sir, I wish to see for myself—I am not *satisfied* that you *saw* the key." Nor could he, when Delano proposed to enter *alone*, say, "No sir, I wish to go *with* you." Either of these courses would have shown an apparent suspicion of Delano's *veracity* too marked and *flagrant* for a man of a nice sense of honor and propriety to practice, especially in the circumstances and *relations* then existing between Mr. Noyes and Delano.

Again. We wish now to direct the reader's attention to a circumstance more marked and conclusive than any we have noticed. We refer to certain *tests* of Mr. Fowler's guilt and identity, which, if Delano's story was true, would have *settled* the question *at once and forever*, but which Delano studiously passed by in silence. Before we proceed, we wish the reader to see from his testimony how *exceedingly anxious* Delano pretended he was that evening to show Mr. Noyes *some proofs* of Mr. Fowler's identity as the man with him the night before; how, after going to this and that and the other place, he exclaims, "but Mr. Noyes was not *yet satisfied* as to Fowler's identity! Mr. Noyes *still doubted* as to Fowler's being the man!" These expressions you will find frequently and emphatically repeated, as though the poor man had been *greatly distressed* at Noyes' doubts on this subject, and was *panting* for some proofs of Fowler's identity with which to remove those doubts. And any one in reading his testimony, and more especially, in *hearing* him testify, would have supposed him to have been most painfully *disappointed and sorrowful* that evening with Noyes, that it *so happened* that no proofs at that time came within his reach. Now, in another part of his testimony, though it is not, we believe, in the story he told Mr. Noyes, he says that on the evening when he and Mr. Fowler were together, Mr. Fowler took him, just before they went on their excursion, to the American Hotel, and there Mr. Fowler called for a supper and a bottle of beer and ordered it *to be charged to himself*. This the reader will see in Delano's testimony. Now, if this was true, why did he not take Mr. Noyes into the Hotel and show him by the supper, &c. *put in black and white to the name and account of Mr. Fowler*, that he was the man with him the night before? This would have settled the question at once and forever, and superseded the necessity of any further investigation or enquiry. For it will not be forgotten that Noyes and Delano were out the night *after* the one on which Delano was with Mr. Fowler. As they stood, therefore, before that Hotel, as the reader will remember they did *for hours*, Delano *panting*, as he now pretends, to show

Mr. Noyes *some proof* of Fowler's *identity*, why, in the name of *honesty*, and with all the emphasis of *truth* we demand, *why* did he not *examine the book* of that bar in the presence of his doubting companion? For if Mr. Fowler was the man who was with him at the supper, (and of course, whether he had subsequently paid for it or not, it still stood charged to his name,) he was the man with him the night before. Can this be ascribed to forgetfulness? Is it possible that they could have stood for hours directly in front of that Hotel looking in upon the very place where he and Fowler ate and drank, and with every thing calculated to remind him of his visit there the evening previous, and all the while watching and sighing for some proof, and yet that this *subject* and this *test* should not have entered among *all his thoughts*? Is this *supposable*? We confess *our* credulity will not stretch so far. It seems to us that, if the supper story had been *true*, Delano would have availed himself of it as a *test* not merely that evening, but *the moment* Mr. Noyes first expressed a *doubt* of Mr. Fowler's identity. If he had *told* it to Mr. Noyes in his account of the evening with Mr. Fowler, Mr. Noyes would doubtless have satisfied himself at once by going to the bar of the Hotel and looking at the book. Now what, reader, is your *conclusion* in this matter? *Can it be any other* than that the statement in Delano's testimony concerning the *supper* and the *beer* is *wholly and absolutely false*? If Mr. Fowler had really gone there with him the night before, would he not have taken Noyes at once to the book of the bar to see the supper and beer charged to him, and thus at once put an end to all Noyes' doubts?

Again. Delano says that on the night they were together Mr. Fowler told him when they separated, that he was going again to the house in Church street on the next evening, at 9 o'clock, and invited him, Delano, to go with him. He says he told Mr. Fowler he would if it should be convenient; that if he concluded to go with him, he, Delano, would be at the American Hotel for that purpose at 9 o'clock, the hour when Mr. Fowler said he should go, (see testimony.) Such is the account which he gave to Mr. Noyes, and on the stand as a witness. This made Mr. Noyes the more anxious to go with Delano. But Delano, as we have said, was strongly *disinclined*. Mr. Noyes however, *urged* it—he wished to accompany Delano to meet this appointment to visit the house again, as he could then, by concealment, see and know for *himself*. Delano was obliged at length to consent to this proposal. They were to meet at the Franklin House at 9 o'clock, and go from thence at once to the American, a few rods distance. (See the testimony.) Now let us see whether Delano had told the *truth* about this appointment on the part of Mr. Fowler to go with him again to the house. The evening came—and 9 o'clock, the hour fixed on between Noyes and Delano, came; Delano was

standing in the door of the Franklin House; Mr. Noyes arrived prepared to go with him to the American. Now mark what was Delano's first salutation! Look at the testimony and you will see it to be the following:—"I have just seen Fowler this moment," says he, "*pass by here* in a direction *away* from the American Hotel," so that he *is not there now*, and it will be of *no use* for us to go. Now we ask the reader what all this meant? Was Delano *afraid* to go with Noyes to the American because Mr. Fowler had made *no* appointment with him? Can you *doubt* it? Look at the *reasons* that might very naturally have worked upon his mind—reasons as strong as natural. What would be the effect if he should take Mr. Noyes to the American and find Mr. Fowler *there*? (and certainly he did not *know* but he might.) What could he say or do, if Mr. Fowler had made no such engagement with him and *should be there*? Could he enter and return to Noyes with the report that Fowler was *not* there? But Noyes might afterwards go in and *find* him there. Could he say "Fowler had *declined* fulfilling his engagement? But Noyes might enter and *disclose*, as he threatened to, what Delano had said about him, and Fowler might *deny* in toto and with an *honest ignorance* the appointment with Delano. Or, suppose Noyes should think it best to enter and enquire whether Fowler was *out late the night previous*. On *any* supposition, and in *any view* of the case, therefore, Delano must have known, that to take Mr. Noyes to the American under those circumstances would be greatly *hazardous* to himself; and hence the pretext that Mr. Fowler had gone another way and was not there. So much for the *motives* he would have had if the story about Mr. Fowler's appointment was *false*. Now, to show you that it was a mere pretext, we ask you to look at its *great improbability* in itself. Is it likely, if Mr. Fowler had of his *own accord* invited Delano to go with him that evening, and to meet him at the American at *nine o'clock* for that purpose—is it likely he would have passed the Franklin House within *two feet*, and under the *very eyes* of Delano, in a direction *away* from the American, and passed too *precisely* at the *hour of nine*, which he had *appointed to meet* him, and yet not have *paused* an instant to *apologize* or render an *excuse* for his course, or in *some way* introduce the subject? Does this look probable? Would not the *instinctive feelings* of any man have led him to *halt* and interchange at least a word of *explanation* on the subject? On the *other hand*, is it presumable that Delano *himself* would have *permitted* him thus to pass? Situated as he, Delano, then was, every moment expecting Mr. Noyes to arrive with all his *doubts*, and feeling as he must, exceedingly *anxious* that Noyes should be *convinced*, that *thus* the whole responsibility of these charges might no longer rest on himself *alone*, would he not, if Mr. Fowler had told him he was going to that house, have *wished* him to go in the

manner proposed that Noyes might *see* and be *satisfied*? Would not this in the circumstances have been a *strong feeling* with Delano? Would he not, therefore, have done all he could with propriety to arrest the attention of Mr. Fowler as he passed, and to induce him to *fulfill* his engagement? We confess it not only seems *clear* to us from *every* view, that this was a *mere pretext* to prevent Mr. Noyes from going to meet an appointment that was *never made*, but that, like all other features of his course in this affair, it can be accounted for on *no other* supposition than the one with which we commenced our review of his course. And we are greatly strengthened in this opinion by the fact, which the reader has seen in the testimony, that when, at the urgent determination of Noyes, he and Delano *did* go to the American Hotel they neither found Mr. Fowler *there* nor at the house in Church street, although Delano had said he had *agreed* to be at *both*.

Again. The *lateness* of the *hour* at which Delano took Mr. Noyes to the house in Church-street, is another fact corresponding with all the rest and irreconcilable with the truth of his story. Mr. Fowler, he said, told him he was going there at *nine o'clock*; and yet it will be seen by the testimony that *Delano* did not go there till *past midnight*. Now it will be remembered that Delano says, "when Mr. Fowler asked me to go with him again to the house in Church-street, I told him I would *if convenient*; if I should conclude to, I would meet him at the American at *nine o'clock*"—thus leaving it uncertain in the mind of Mr. Fowler (that is, on the supposition that the story were true) whether Delano *would* or would *not* appear at the American to go with him. When, therefore, he arrived with Noyes at the American, some quarter or half an hour *after* 9 o'clock, the time appointed, and found Mr. Fowler was *not there*, why did he not go *at once* to the house in Church-street? They were seeking after Mr. Fowler; and if Mr. Noyes could have caught him in *that house*, or stood in the street while Delano entered and brought him within the reach of Noyes' eye, there would have been an *end* of his doubts, and Delano would have been *relieved* alike of *suspicion* and *responsibility*. Why then, we ask again, did he *not go directly there*? Where would Mr. Fowler be so *likely* to be found as at the place where he had *told* him he was going at 9 o'clock? Is it not *strange* and *utterly unaccountable* on the supposition of the *truth* of this alleged appointment, that he should delay going to the house in Church-street till *past* the hour of *midnight*? And can you not see the *same* reason for *this* that led him not to wish to take Noyes to the American? Is it not all of a *piece* from *beginning to end*? Does he not show the foot-prints of the deceiver at every step? He deferred going to the house till time enough had elapsed for him to say, if he chose, that Mr. Fowler *had been* there and *gone*. The reader will remember that when they *did* go there Delano entered and re-

turned to Noyes with the report that Mr. Fowler *had been (!)* there, but was not there *then*. But, perhaps the reader may ask, "why did not Mr. Noyes see the propriety, and urge it upon Delano, of going at once to the house; he is a man of sense; why should he have taken such a course?" This enquiry is natural; but we think a moment's reflection will solve it. It certainly was an *easy thing* for Delano at that time, and under those circumstances, in a multitude of ways, to devise a *plausible reason* for not going. In this respect, of course, he had all possible advantage and a wide field for successful stratagem. For he professed to have been with Mr. Fowler the night before, and to be *familiar* with *all his plans*, and the *probabilities* of his doing this or that, or of his being here or there, while Mr. Noyes on all these matters was in total ignorance. We can think of a dozen ways almost without an effort, in which he could at *that time* have satisfied the mind of Noyes as to the course he was taking. And besides, Mr. Noyes, of course, would do nothing that would look like a rude unwarranted *suspicion* of Delano, especially in the circumstances and relations *then existing*.

Again. We now invite the attention of the reader to a few of the marked *discrepancies* between the *testimony* of Mr. Noyes and that of Delano. And as we shall deal with that portion of Noyes' testimony that is not published, and which is, the most of it, a mere repetition of Delano's testimony, or of what Delano told him concerning Mr. Fowler's conduct when with him, &c., we shall introduce our extracts under the signature and attestation of the gentleman in whose hands that portion was left, that the reader may have the fullest confidence in our statements and reasonings. Notice the following:

I do hereby certify, that in that part of the original testimony of Wm. C. Noyes, Esq. left in my hands, he says that Delano told him in their first interview in the Court Room, "that the statements of Mr. Bottum to him the evening previous, led him, Delano, to *watch* Mr. Fowler at the time that same evening, and that he saw him go into Bottum's and drink, he believes, *twice*, and then out and up Broadway, and in and out of its contiguous streets, and then back again to Bottum's," &c.

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Now, leaving out of view the fact that *Bottum denies* this under oath—that he swears Mr. Fowler *never* drank *any* thing, not even *wine* there but *once*, and that was with Delano the evening *after* the one here spoken of—leaving this entirely aside, it is a most *remarkable* circumstance that *not a word* of the above transaction, which Mr. Noyes swears Delano related to him in their first interview, *is to be found in Delano's own testimony*. On that, his

testimony is as *silent* as the grave. The reader can see this by turning to it. Now, if any such thing *had* occurred as this which Delano told to Noyes the next morning—if he had seen Mr. Fowler immediately after he passed Bottum's, *return to drink and drink twice*, and then wander up Broadway and in and out of its contiguous streets a few moments, and then *back again* to Bottum's to *drink*—if, we say, this *had* occurred, in the name of virtue and reason we ask, would it not have been a spectacle which Delano would have remembered? What! *such* a scene as that of a man like Mr. Fowler, ministering in the sacred sanctuary at Delano's *own door* and even before his *very eyes*, *brutalizing himself* in this way with the use of intoxicating liquors, and yet *he not remember it* when on the stand as a witness! Reader, can you believe this? No, you cannot; he never *could* have *forgotten* it. It was the *first discovery* he had made (if true) of the *startling* conduct of a *minister* whom he had often *heard* in the pulpit, and would, therefore, have powerfully *impressed his mind*. It was a most sudden, unexpected and surprising *exemplification* of the *truth* of Bottum's statements, (or would have been had he made them, which he denies.) And, besides, Delano had, when on the stand as a witness, a *manuscript* from which he *read* his testimony almost *word for word*, and assured the Commissioners that he drew it up *soon after* the transactions occurred. Is it not *amazing* then that he should have *left out* one of the most *prominent, important and appalling* facts he pretended to witness—the *very first* he discovered, and from that as well as from its *nature* more calculated than any to *seize and abide* upon the memory! And then too, when testifying, the counsel for the prosecution *pressed* him *exceedingly*, and he himself seemed *anxious* to bring out *all* he knew, especially about Mr. Fowler's *drinking*. And yet, though Mr. Noyes swears he told him in their first interview that, to his utter amazement, he saw Mr. Fowler go into Bottum's and drink twice and then in a few minutes, like a victim of quenchless thirst and brutal indulgence, go back to soak himself again in the liquid filth and poison, though he told Mr. Noyes this, not one word or syllable of *all this first, most disgusting and startling* discovery, far *surpassing* any thing and *all things* else he has said about Mr. Fowler's drinking, is to be found in his *own testimony*! Reader, how do you *account* for it? We think there is, and we defy any one to show that there *can* be, but *one way* of disposing of it at all consistent with reason, viz: that this part of his story to Noyes in that first communication of what he said Bottum had told him, being like all the rest, the mere *inadvertant and thoughtless suggestion* of the *moment*, afterward *escaped his memory*. When he subsequently found his assertions to Noyes had grown to a serious affair, and sat down to make up his story and put it on

paper, preparatory to its use in the case, *this* had fled from his mind. A part, and the most important too, of that first report to Noyes, to wit: the alleged statement of Bottum concerning Mr. Fowler and the "women," we *know* to have been the mere work of his *own imagination*, not only from the oath of Bottum, but the *nature of things*, for no minister would have done it *whatever* his character. Why then may we not suppose *this* part of the *same* communication to have been *fictitious*. Important events, that really transpire and before our *eyes*, adhere to the memory by a stern law of the mind—the details of an off-hand and *made up* series of statements, are treacherous things for the memory to have any thing to do with. Let a building burn in your very presence engulfing a family in its flames, and every part of the impressive and appalling scene fastens and remains upon the mind. But let your imagination attempt an *invented description* of such a scene, and how long after you have finished it will you retain all its details? It must, we repeat it—it *must* have been thus with Delano. He must have *forgotten* that important, astounding and impressive portion of his original story to Noyes, *only* because it was the treacherous offspring of his *own imagination*.

Again. We will compare the testimony of Mr. Noyes and that of Delano at another point, first inserting the following certificate:

I do hereby certify, that in that portion of Mr. Noyes' original testimony not published, and which was left in my hands, he, the said Noyes, in giving an account of his first interview with Mr. Delano in the Court Room, says, "that after Delano had communicated to him what Bottum had said about Mr. Fowler, he was surprised, and told Delano he must be *mistaken*, and as he wished to know the truth of it, he proposed to Delano to go to Bottum's, and fixed upon *that evening* as the time for going, and that Delano *promised* to comply with this proposal and to go that evening, it then being about 10 o'clock in the morning. But that he, Mr. Noyes, *saw no more* of Delano until the next day, when he, Delano, said that *he himself did* go to Bottum's the evening before." And I further certify that the above is *all* Mr. Noyes says in that portion of his testimony not published, and left with me, on the subject of going to Bottom's *at all* in connection with Delano or otherwise, directly or indirectly.

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The foregoing, to those who know Mr. Blake, we doubt not, will be as satisfactory as though it had been, as all the rest of the whole testimony in the case has been, published and attested. Now, if the reader will turn to the testimony of Delano on page 25, where he gives an account of this *same first* interview with Mr. Noyes in the Court Room, he will find two things to be true.

First, he will find that not a *single word* of the above mentioned *proposal* of Noyes and *promise* of Delano to go together to Bottum's *that evening* is mentioned *there* or *any where* else by Delano. Then he will see that Delano, just at the *same point* in the interview, does give the following account of the matter. "Mr. Noyes thought I must be *mistaken*. Mr. Noyes and myself, therefore, *went DIRECTLY* down to Bottum's to ascertain if Bottum would tell him the same that he had told me: but we found Bottum absent." Here then is a *marked discrepancy*. We have Mr. Noyes saying, just after he says he told Delano he must be mistaken, "that Delano, at his request, *promised* to go to Bottum's *that evening*, but that, for some reason or other, he did *not see* him that evening nor till the next day, when he, Delano, said *he did go* to Bottum's." And this is all Mr. Noyes says on the subject of going to Bottum's at all. On the other hand, we have Delano saying, in the same place in the interview, just after he says Mr. Noyes told him he must be mistaken, "that he and Mr. Noyes *then arose* and *went directly* that *morning*, down to Bottum's to see if Bottum would tell him the same that he had told him." Now, reader, when you remember that Bottum has denied every word of that story which Delano, at the first interview, had been telling Mr. Noyes, can you entertain a doubt as to the *reason* for this discrepancy? Indeed, setting Bottum's denial entirely aside, can you doubt? Neither of them speak of going to Bottum's *at all* in *any other* place. Mr. Blake certifies this in regard to the *unpublished* part of Noyes' testimony. The reader can see for himself in the *remainder* of Noyes', and the *whole* of Delano's herein recorded, that *neither* speak of it *any where else*. And then both, as we have said, mention it in the *same place* in the interview, viz: immediately after Noyes told Delano, who had just finished his story extorted by Noyes, that "he must be mistaken." One of two things therefore, must be true—either one of them is *mistaken*, or else one of them has spoken a *designed falsehood*. Could *either* have been *mistaken*? We think not, for the following reasons. First, the facts recorded by the two are entirely *unlike*. The one says they arose at once to go—the other, that Noyes *proposed*, and Delano *promised* to go. The one says they went *directly*—the other, that they were to go *in the evening*. The one says they were *at* Bottum's but found him absent—the other, that they were *not at* Bottum's *at all*, nor did Delano come to go with Noyes even in the evening, as he promised. The things then, are entirely *unlike*, and from that alone, could not have been mistaken by either party, the one for the other. Secondly, the testimony of both is pretended to have been *written down just after* the transaction took place. Mr. Noyes' account was given in the form of a letter to Mr. Ogden—Mr. Delano's, he said, when on the stand, was carefully prepared—both *immediately after* the oc-

entrenchance. And besides, both accounts, Mr. Noyes' especially, were designed to be a very *exact* and *circumstantial* detail of the whole affair. Could either then have been so amazingly *forgetful* or grossly *mistaken*, as to have given *at that time*, such widely *different* and *contradictory* accounts of the matter? This we think impossible. Thirdly, if Delano did, the moment Mr. Noyes expressed a doubt of his story, take him *at once* to Bottum's to have that story confirmed, it would have been a *strong circumstance* in Delano's *favor*, showing his *honesty* and the *truth* of what he had told him, which Mr. Noyes would neither have *forgotten* nor have failed to *record*, for his benefit and the information and aid of others in forming their decisions upon the whole case; especially as his account was designed to be so *minute* and *exact*. Thus, for all these obvious and irresistible reasons, we say that this discrepancy could not, nor is it morally possible that it could, have been the result of mere *mistake*. But if not a mistake, it must, as we have already said and seen from the circumstances, have been *designed*. This is self-evident. Who then was the designer? Upon which of the two are we to charge this obvious and undeniably intentional misstatement? Upon Mr. Noyes? What motive would he have had? And besides, who that knows this gentleman, would be disposed, or if disposed, would *dare* to insinuate such perfidy of a man whose character is above the reach of reproach? The designed misstatement then is the account which *Delano* gives, viz: that "he took Noyes directly down to Bottum's, &c." Now we should be perfectly willing to leave the matter here, but as our course all along has been, first, to show certain portions of Delano's testimony and conduct, to have been entirely *inconsistent* with the supposition of his honesty and truth: and secondly, to show the same to have been perfectly *consistent* with the *opposite* supposition, and just what might have been expected if he was a deceiver in this whole affair, as we have done this in every instance yet, we feel inclined to do it in this, although we have trespassed long on the reader's patience. What *motive* then, would Delano have had for saying, "he took Noyes at once to Bottum's, &c.?" Now all can see by a moment's reflection, that the subject of their going to Bottum's to consult him together, is one of *peculiar interest and importance in the whole case*. And Delano knew, when he was preparing his testimony to go before the commissioners, that the following facts would then appear, viz:

That Delano went to New York just at the time Mr. Fowler did, and stayed there till long after Mr. Fowler was taken up by Noyes. As soon as he told his story as coming from the keeper of a saloon, it circulated rapidly among Mr. Fowler's acquaintances, among ministers, churches, &c., and circulated too, almost with the startling effect of an electric shock from one to another. A *clergy-*

man, occupying a prominent post in the central city of the State, a post that gave him notoriety in New York and elsewhere—that clergyman had fallen from this height into the depths of groveling and unaccountable indulgence. This was the story he put forth. And yet, notwithstanding all the doubts, he did not show his pretended informant, Bottum, and seemed to desire not to bring him to light. His story, as far as it went, awakened great surprise, agitation, and curiosity—every ear was open to hear, every eye with the stare of amazement. Many gave credit to it—others doubted, while some were dehotuencing Delano for a villanous fraud or imposition on a lunatic. Of course, there were but comparatively few in the great city who felt or knew aught of it. But, among the many who did, such, we have been informed, was the state of things when Delano's story first came out. Here Delano stood in the midst of all this excitement, enquiry, doubt and denunciation, the sole author of that startling and agitating report with the whole responsibility on himself. Mr. Noyes, the prominent actor in the scene, to whom all looked for information, &c., was doubting the truth of the story, and had told Delano so. And then too, he had requested Delano to show him the man from whom he, Delano, said he had this report, and who, he said, knew much against Mr. Fowler, and Delano had promised to do it. Bottum's saloon was near by and could have been visited at any time and without trouble. Delano too was an inhabitant of Utica, and must soon return to meet his report among Mr. Fowler's excited friends. And finally, there were several in the city at that time from Utica, who had conversation with Delano on the subject, and if he could have convinced them, and more especially Mr. Noyes, of the truth of his story as coming from Bottum, he would have relieved himself of all responsibility, and if any blame at the time or in the end should fall on any one, it would then be on Bottum, and not himself. And yet, in the midst of all the above circumstances, and with all these motives pressing upon him on the right hand and on the left, he NEVER AT ANY TIME FROM FIRST TO LAST, TOOK MR. NOYES OR ANY ONE ELSE INTO THE PRESENCE OF BOTTUM, TO HAVE HIS STORY CONFIRMED. He remained through the whole of that excitement, insinuation, denouncement, and calls upon him for proof, and to show the man from whom he said he had this report, without lifting a finger or manifesting the least inclination to bring forward the unknown person who, he declared, had thus informed him. There was no mention made, in the whole range of the testimony, that he had taken any one to Bottum's; on the contrary, all the circumstances looked as though he dreaded and avoided being thus tested. Such then were the facts.

Now, Delano, when he was preparing his testimony in this case, which he did previously and with great care, knew of course that when he should come before the Commissioners he would be

compelled to meet there all the above mentioned facts—that they would all come out in the developments of the case, because they were the *real facts*; and he knew the enquiry would be made in view of them on all hands, and made with emphasis and astonishment, “Why, in the name of truth and reason, did not Delano bring forward his informant? Why not take Noyes to Bottum’s? Why did he stay in the midst of all those scenes, with the numerous and powerful motives that were pressing on him from all directions to do this, and yet *utterly fail* to do it? Had he told a falsehood? Was his story to Noyes about Mr. Fowler the mere work of his own imagination, and therefore did he fear to have an appeal made to Bottum?” Such were the *circumstances*, and such the natural and unavoidable *enquiries and inferences* from them which Delano knew he should be compelled to meet before the Commissioners, the Presbytery and community. He knew, and we have already declared the same, that the question of his *appealing or not to Bottum*, who was said to be the original author, would be the *great question* in the case that would, in the circumstances, strike every mind at the very first view of the facts. Here, then, reader, we arrive at the *motive* Delano would have had for making the statement contained in his testimony, and which Mr. Noyes has contradicted. Is it, then, surprising that he should, not knowing and probably not supposing that Noyes would mention the fact of his having promised to go to Bottum’s, &c. inasmuch as they did not go together, and knowing he should be compelled to meet all the foregoing facts and queries—is it surprising that he should have been *strongly tempted* to say somewhere in his testimony, that “he took Noyes *directly down to Bottum’s* the moment he expressed a *doubt*, to see if Bottum would tell him the same?” Is it not *precisely* what you would have *expected*, if he be a deceiver? Would anything in the whole range of human thought in almost any emergency, have been more likely to suggest itself to the mind of a man than this would to Delano in the circumstances in which he then was? It would save him, perhaps, from a fatal suspicion. It would do more than any thing else to give plausibility to his whole testimony. It would show that he was honest and truthful—that he was ready and willing, nay, anxious to be tested. It was just what he wanted—the grand desideratum in the whole case. But how could he do it without detection? It was a matter in which Mr. Noyes must be represented as having taken a part, and therefore he could and might contradict it. Here again he shows his skill. He inserts it at the *precise point* in the interview between himself and Noyes where he *promised to go in the evening*, so that if Noyes should give his account, it would not be likely to be noticed, or noticed only as being the same thing. And then, to make it the more safe, he could say “they found Bottum absent”; and thus, as no *new fact*

would be elicited, Bottum not having been seen by Noyes, the whole would be likely to pass undetected, while the *fact* would appear, "that he rose the moment Noyes doubted and took him at once to Bottum to be tested," and all the *benefit* of that fact would be secured to himself. Now let not the reader, forgetting previous facts, say "all this evinces too much design, reflection, and shrewdness to have been practised by any man on the stand as a witness." The reader has before seen that Delano testified with a *paper*, or rather a *fixed manuscript* in his hands from which he read his testimony *word for word*. This manuscript had been previously prepared, and we doubt not, with great care, as he had an abundance of time, and as his whole plan and testimony bears the marks of care in its arrangement, though like every other system of fabrications, especially if, as in the present case, it stands connected with other and *extraneous* facts, it needs only to be as carefully taken apart as it was put together, to be seen to be disjointed, unharmonious and defective to the core.

Thus have we shown the *motives* Delano would have had for inserting this in his testimony. As we said, we should have been willing to leave it without this allusion to motives; for there is a marked *discrepancy* between him and Noyes on this point, *whatever* might have been the cause of it; this cannot be denied—a discrepancy that could not have been the result of *mistake*, but must have been, aside from all consideration of motives, a *designed* misstatement by one or the other, and we should have had no fears as to which of the two the reader, at this late period in our review, would have implicated in the matter. But if, in *addition* to this, we have shown that Delano would have had the *strongest possible motives*, if he be a deceiver, to insert and insert *precisely where* he did and *as* he did, this pretended fact in his testimony, we have made his guilt in the matter *doubly* certain. And then, reader, when to these *motives* for introducing that pretended fact, and to Noyes' total *contradiction* of it, and to the *impossibility* of its being a *mistake* and the certainty of its being *designed*, you add the *strong fact* that *Bottum denies* every word of the *story* Delano told Mr. Noyes as coming from him, a fact that shows a *reason* for his *not taking* Noyes to Bottum, and also why he would wish to have it *understood* that he *did* take him there—when you fix your eye upon *all this* in one view as the plain showing of the testimony in the case, can you entertain a doubt as to the light in which you are to regard this part of his story? Do you believe a word of it, or do you think it true? It must be true or false. When therefore, you hear him saying he "took Mr. Noyes *directly* down to Bottum's that *morning* to see if Bottum would tell Noyes what he had told him," do you think him an honest witness telling the truth, "and nothing but the truth," or a deceiver uttering a falsehood for his own benefit and to extricate himself from the

difficulties in which he had become involved? Which of these characters do all the circumstances show to be his? Is it possible for any man to hesitate in giving his answer to this enquiry? Can there be but one opinion? We cannot conceive it possible. But we say no more in regard to Delano and his course.

Thus, reader, we have occupied your attention, perhaps too long, upon the testimony of this *only witness* to the facts charged upon Mr. Fowler in this case. We could adduce many more proofs of the same general character and bearing, drawn from his own statements and those of other witnesses. But we trust we have done enough to show that his testimony is by no means to be relied upon or made the basis of a decision against any man, and that it would have been an act of great injustice on the part of Presbytery, to consign Mr. Fowler to disgrace and infamy, as they did, on his testimony alone, if there had been *no plea or fact of insanity* in the case. For is it possible, we ask, in the nature of things, that *so many palpable absurdities, deceptions, equivocations, contradictions*, and marks of the *deceiver*, could be found in the testimony of a witness who had no desire but to tell the truth? No, truth never wears such disguises—never arrays herself thus “from top to toe” in the garbs of falsehood. Let a man give an honest account of facts that transpired under his own observation, and his story will harmonize with itself and other relative facts and events. There will be no need or possibility of saying “if *this* be true, *that* cannot be—if he has spoken truth *here*, another has not *there*.” But let a man attempt to *fabricate* a series of events, or let him take a few *given* facts and undertake to connect with them a *multitude* of other *fictitious* ones, and however ingeniously he may arrange and interlace them, he will scarcely fail of *detection*. His story at first view may awaken no suspicion. But approach it a little nearer—take it apart—and you find an inconsistency here and another there, until your confidence is changed into doubt, your doubt into certainty, and you tread the whole at length under your feet as a mass of *fabrications*. Even *one* obvious inconsistency is enough to destroy the credibility of a witness. “He that is unfaithful in the *least*, will be also unfaithful in the *much*”—a true philosophical and common sense maxim. He that falsifies or equivocates in any *one* part of a story he may tell, will, of course, if an adequate *motive* exist, do the same in *any* and *every other* part of it. In the one, he violates a moral principle—in the rest, he does no more. Hence, a *single instance* of this kind, however slight, destroys his whole testimony, because it shows the *untruthful state* of his mind—that he *may*, because he *would*, if a motive existed, have falsified in the *whole*. If, therefore, we had shown but a *single* inconsistency, mark of equivocation, or evil design, in the story or testimony of Delano, as a witness, he would be thrown, by that one slight proof of the false con-

dition of his mind, entirely without the pale of our confidence. This is the rule of the gospel, as we have seen, and of all civil courts. What then, reader, are you to think, and what to believe, when you discover in the history of Delano's statements and conduct in this case, *so many obvious and palpable indications of the FALSE CONDITION OF HIS MIND?* When you find him from the commencement to the close of the whole affair, evidently struggling at every step with the difficulty of keeping up the *appearance* of truth in a succession of obviously *false positions*—all along saying and doing things, which, if his story about Mr. Fowler had been *true*, he would *not* have said or done, and which things were *just what* you would have *expected* if his story had *not* been true—here professing to have a certain *object* in view, and then acting in a manner to *defeat* it, both consistent with, and evidently flowing from his circumstances as a deceiver—there making an assertion that is not only *incredible* in *itself*, but will not bear the test of a comparison with *other* declarations of his *own*, or with *relative* and *extraneous* facts—*leaving out* certain prominent and important transactions which he had *related* to *other witnesses*, and *inserting* others which are *denied* by other witnesses, for *all* of which a perfect and most natural *reason* can be assigned on the supposition that his original story about Mr. Fowler was *false*. In short, for we cannot even attempt to recapitulate, when at the great multitude of points at which we have surveyed him, and throughout the whole path in which we have tracked him, we discover the zig zag foot prints of an obvious wanderer from truth involved at every step in a labyrinth of difficulties, into which a single imprudent and thoughtless story had thrown him, and working his way out by a series of studied, and in the circumstances, necessary *shifts* and *turns*, *fabrications* and *omissions*, *contradictory representations*, *deceptions*, *devices*, &c. &c.—when thus you find him every where exhibiting characteristics as a witness, *any one* of which *alone* would very much impair, if not *destroy* his credibility, while some of them are *conclusive*, and all of them combined *overwhelming proofs* of the *totally false condition of his mind* in this case—and finally, when you remember that the *very* man, who, he said, told him the story, has *plumply* and *flatly contradicted* it under oath, who could have had no motive to falsify, and was, indeed, a friend of Delano—with *all this* before you, reader, which we have shown from the testimony, can you regard Delano in this case as worthy of your confidence, and say, as the dictate of a sober judgment, that Mr. Fowler did the things which he has ascribed to him? No, we are confident—and we say it with neither exaggeration or prejudice, and have never been able since our acquaintance with the facts, for our lives, to come to any other conclusion—we are *confident* that no candid mind can, *for a moment*, confide in a *single word* of all that story he told concern-

ing Mr. Fowler's conduct in New York in the spring of 1841. We do not aver that Mr. Delano means to be a dishonest man. This would be taking ground which we have neither the necessity nor the disposition to take. And all along we have endeavored to say no more than was essential to our purpose. He was evidently driven into great straits, and was strongly moved to do something that should prevent the fearful consequences to himself in Utica and elsewhere, of his appalling and thoughtless imputations upon Mr. Fowler. We said at the commencement of our review, that we believed he said what he did to Noyes without premeditated design against Mr. Fowler—that when the latter entered the Court Room, stood a moment, and left, he was reminded of what Bottum had told him the evening previous of the “singularity of Mr. Fowler's appearance,” meaning his strange manner alone. He then, as appears in evidence, asked Mr. Noyes “if there was any thing against Mr. Fowler's character that led to his dismissal?” This answered in the negative, he replied with an obviously careless and unintentional manner, that he “*guessed* he was not all he should be.” Noyes called on him to specify. But he seemed *reluctant*, and to wish to give the matter the “go by.” Mr. Noyes pressed him to communicate—and thus did Delano advance step by step, till he said what he did, and Noyes became excited, and determined to ferret out the truth. Delano thus found himself in difficulty. Noyes was making a serious matter of it; and if he persevered and *divulged* it, as he seemed determined to, what could Delano do, with Bottum on the one hand, and Mr. Fowler and his friends on the other? Thus *unfortunately committed*, he found himself in a troublesome and dangerous *dilemma*—there were persons there from Utica—Mr. Noyes saw them almost daily—how then could he go back to Utica? His *character* and *standing*, as far as these were important to him, were *at stake*; and he doubtless began to cast about and see what could be done—went to Bottum, as was very natural, to enquire what he meant by the singularity of Mr. Fowler's appearance—found he was probably partially insane—took measures for an interview—asked him to drink—attempted to lead him astray—then went to Noyes and gave such an account as was calculated to sustain him in the charges he had made—*ascribing* to Mr. Fowler, as the reader has seen he did, the *identical acts* he had said he *would* commit and *had* committed. Such is the *solution* which we give of this matter. Now that it is the *true* one, and that his account to Noyes was *untrue*, that his attempt to lead Mr. Fowler astray was a *failure*, and his entire report about it a *fabrication*, we trust no reader can entertain a reasonable *doubt*, who has followed us carefully through this review. It is exactly the appearance of the case when *dissected*—taken apart—when *uncovered* and exposed to the light and brought to the test of *truth*.

There is scarcely a *single feature* of the *whole course* of Delano, that can *possibly* be *reconciled* to the supposition of his *truth* and *honesty* in the matter. And we hesitate not to say, there is *not* a feature that is not *perfectly consistent* with the *opposite* supposition. We have examined all the prominent parts of his course and testimony; and the reader has seen in each, *two grand characteristics*—first, that every one is *irreconcilable* with the *truth* of his story to Noyes, and his testimony—second, that every one is *exactly what* you would have *looked for*, if you had previously *known* that story to have been *untrue*. Now, if we had only shown the *first*, we should have had a series of *positive arguments* and *proofs* against him. But in showing the *other*, we have a series of *double proofs*, a coincidence, a fitting and matching, a correspondence and harmony, that adds amazingly to the force of the view. After having seen that each *separate act* was *inconsistent* with the *truth* of his story, we have then taken our stand on the supposition of its *untruth*, and shown that the *act* exactly fits the *supposition*—we have found a *natural motive* for it in the *supposition*, a motive that can be found *nowhere else*—that he would have been *likely* to do and to say *just what he did*. Thus, for instance, we have seen that the pretended circumstances of the key hanging in the bar, the story of the woman in Church-street, of Mr. Fowler's imputed conduct there, of his appointment to go again, and to meet Delano at the hour of nine for that purpose, of his passing the Franklin House just at that moment, the supper at the American Hotel, Delano's pretended watching of Mr. Fowler the first evening, and seeing him go into Bottum's twice to drink, as related by Noyes, his going directly down to Bottum's that morning, as related by himself, and *all the other prominent features of the case*—we have seen they *cannot be true*, if other things spoken of, both by *himself* and *other witnesses*, are true. In other words, his whole course, and almost all that occurred subsequently to his telling Noyes that story, is *inconsistent* with the *truth* of that story; and yet the *whole* is *perfectly natural* on the supposition of its *untruth*—just what he was likely to do, the only plausible course of security and safety to himself, and precisely the one a shrewd man would have pursued in that dilemma. We say then again in conclusion, let our solution of the affair be admitted, and every fact and circumstance from the time he told the story down through the entire history of the matter—all that occurred the evening he was with Noyes and at other times, all his doings and sayings, *the whole*, when drawn out from the covering beneath which it is concealed, is *perfectly natural*, precisely what might have been *expected*, a *complete, uniform, and consistent history*—there is scarcely a break, and we confess we have been able to discover none, from the first to the last link in the chain. An obvious *reason* can be assigned for every thing he said and did which is otherwise full of mystery—

all events and combinations of events can be satisfactorily explained, (as of course, they could if false, as all men have reasons for what they do, right or wrong, false or true,) and his entire course harmonizes with itself and with other relative facts and events. But on the other hand, *deny* the solution we have given of the matter, and admit the *truth* of Delano's story to Noyes and testimony in this case, and all his conduct is mysterious, contrary to nature and reason, at variance with *itself* and other *relative* facts—nothing, or at least, few things, can be explained, while many are *past belief*, and the *whole case* is one of *perpetual inconsistencies and contradictions*. If we admit Delano's *veracity* in this affair, however honest he may be in others, we are compelled also to admit that *truth* may *clash with itself*—that what *is*, is *not*, and that what is *not*, *may be*. All this, we think, has been shown from the testimony alone. We are sorry to say it, but so the matter forces itself upon our view. Now, reader, when to all this proof of the falsity of Delano's story about Mr. Fowler, drawn from his own and the testimony of others, you add *Bottom's denial* under oath, that he ever told him that story, *can you believe it!* Do you for a moment think Mr. Fowler really was the author of the conduct he has ascribed to him, crazy or not crazy? And ought he to have been condemned, even if *there had been NO PLEA OF INSANITY* in the case? We think we hear a silent response in the bosom of every candid reader—"never! no never!!" For surely, when you first hear the man from whom he said he had it, *denying* his story under oath—and then when you see in the story *itself* which imputes to a minister what a minister, however bad, would never have done, and in all he says and does *subsequently* to *relating it*, *one continued series of proofs* that the story is *false*, there must be in *every* mind, it cannot be otherwise, a *very strong doubt*, to say the *very least*, of its truth!

CONCLUSION.

It is unnecessary to observe, that the charges in this case are two, and *only* two:—the story of the servant girl, and the story of Delano. These persons also are the *only witnesses*. Not another one testifies to the transactions of which they speak. Nor is there in the whole range of the testimony a single corroborating circumstance to sustain, directly or indirectly, those transactions, or in any way the most remotely to show that they ever took place, or that the imputation of them to Mr. Fowler may not be a *sheer fabrication*. This the reader has seen, if he has read and understood the testimony. The *entire question*, then, of Mr. Fowler's *guilt* or *innocence* in this *whole affair* depends *solely*, *absolutely* and without the *shadow of another proof*, *direct or in-*

direct, on the testimony of the servant girl and that of Delano. And there is one thing which we wish the reader distinctly to observe. It is, that nothing *criminal* is even *charged* upon Mr. Fowler. The charges and the testimony alike show that nothing more is alleged in the case of the girl and of Delano than certain *improper acts*, in which it may be seen there neither *was*, nor from the nature of the conduct *could* there have been, even a criminal *purpose*; for if there had been, in the case of which Delano speaks at least, it could and would of course have shown itself by actual *accomplishment*. And this, by the way, is another *strange feature* in Delano's story. For if Mr. Fowler was so *bent* upon going to that house as to be willing to go with a *witness*, and thus *ruin* himself for life, why did he seem to have no *object* in going? Why did he not stay *longer*? The truth is, Delano, in his attempt to lead him astray, was, of course, with Mr. Fowler but comparatively a *short time*. He could not, therefore, attribute to Mr. Fowler an *object*—he could not represent him as there to spend the *night*, or any *part* of it, without making the *time too long*. For Mr. Fowler, as soon as his attempt upon him *failed*, he knew might have gone *directly home*, or have been with an *acquaintance*; so that an *alibi* might be proved. It might be shown that he was not *at the house*, if at all, sufficiently *long* to have had an *object*, by showing that he was *somewhere else*. Thus, while it is highly improbable that Mr. Fowler should have been so *anxious* to go as to be willing to go with Delano to his utter ruin, and then have had NO OBJECT when he got there—in other words, while *this feature*, like every other, is *inconsistent* with the *truth* of his story, it is *perfectly consistent* with its being *false*. But to return. We have as the sum of the whole case, two charges, neither implying even a criminal *purpose*, and each supported only by a *single witness*. Is the first of these charges then—the story of the servant girl—true? The reader has seen the testimony, and in view of it what is the conclusion? When you remember that the girl told that *same story precisely* of another man, as occurring during the few weeks she lived at Mr. Fowler's—that from the time she left his house till *three years after*, when she was told she had been insulted by him and was urged to testify, she *always spoke well* of him, often alluding *directly* and in the highest terms to his christian character—that when first spoken to or inquired of on the subject of the alleged insult, she *denied* it emphatically and repeatedly to several witnesses and gave to one a *certificate* fully *acquitting* Mr. Fowler of all impropriety of conduct toward her at any time—that she was then *urged* by strong applications and appeals to her *fears*, on the ground that Ann, her sister, then dead, *had told* the story as coming from *her*, and that it *must* be true, whatever *she* might then say, and that if she refused to testify she would be regarded

as a *liar*, and *ruined*—that both herself and husband, with all the want of fore-sight and all the simplicity of honest ignorance, *acknowledged* in plain, direct terms, that she confirmed the story at length only to avoid the *consequences* to her of a *refusal*, and on the ground that if they continued to assert that Ann *did* tell the story as coming originally from the girl, she *must*, in the circumstances, confirm it or be “made out a liar,” and lose her standing in the Welch Church—that Ann, then deceased, whose authority was thus employed to extort from her the testimony needed, most evidently, as appears from credible witnesses, *knew nothing* of the *insult while she lived*, but spoke often of Mr. Fowler and *always* in terms of the most *warm-hearted* respect as a *christian* and a *minister*—that several most respectable witnesses of undoubted veracity and standing testify *directly against* the truth of the story—that the girl distinctly told one witness who *was* the author of those liberties, giving his *name*, and that he was an “*unmarried man*,” at the same time as distinctly *denying* that it was Mr. Fowler—that she *stayed* of her *own accord* in Mr. Fowler’s family a *week* after she quit service, though she is made to say that she was *frightened* unexpectedly away by his insult to her—that she evidently testified under an influence which she greatly feared, and without any knowledge of the facts of which she spoke, adapting herself, as she supposed, and without any *regard to truth*, to the wants and wishes of the party who had forced her into their service, all of which appears from her *absurdities and contradictions*, saying that she “*could not write in English*,” when just before she had *acknowledged* a fair hand writing in English to be *her own*, &c. &c.—the highly *improbable character* of her story itself, representing Mr. Fowler’s *very first approach* to her in his life as a blunt, rude and sudden attack, without a single precautionary step, which the vilest seducer in the world would have had too much *sense* and regard for his *own safety* to have done; and attributing *three separate, distinct and slow acts*, which no virtuous girl would have suffered, as she might have prevented even the second by fleeing from the first, no compulsion or *constraint*, even the slightest on the part of Mr. Fowler, being pretended—the entirely *unprovoked manner* in which the attack is alleged, &c. &c.—when *all this* is remembered and much more in the testimony, which we cannot stop to mention; and above all other arguments in our apprehension, when the uncommon loveliness of Mrs. Fowler, her great personal beauty, her pure glowing complexion, her blooming and attractive lusciousness of countenance, form and manner, such as we have seen her in her then days of comparative health, and Mr. Fowler’s known and almost idolatrous devotion to her—when these are taken into view, as they have been essentially stated in the testimony, and it is remembered that the charge is, that *from the whole*, Mr. Fowler late

at night broke himself away, left the chamber of his wife, and was drawn to the *kitchen* among pots and kettles by the *still superior charms* to him of a poor, ignorant, *uncouth* and *uncomely Welch cook*—can you, reader, with this and *all we have here presented* from the testimony before you, entertain a *doubt* of Mr. Fowler's *innocence* of this charge? Is it *possible* for any *candid* mind under heaven, with all *these facts* in view, and *many more* which the reader will see in the record, to hold him guilty of the alleged "improper liberties" with the girl? We sincerely think not; and when the case first came fully before us, we *never* in all our *lives* in *any* case whatever, found *less difficulty* in deciding. We may be deceived, but to us there seems to be scarcely a *loop-hole* on which to hang a *doubt*. Of the *first* of the two charges, then we think Mr. Fowler stands *fully acquitted*. So the Synod pronounced.

There remains, therefore, nothing but the story of Delano. In regard to this, two grounds of defence were taken. First, that Mr. Fowler was in a state of *derangement* when with Delano in New York, and was therefore not responsible for his conduct whatever it might have been. And is it possible, we ask, seriously to doubt Mr. Fowler's insanity? Even admitting the truth of all Delano has said, when you see Mr. Fowler inviting to such scenes one of his own townsmen, associated with his own congregation, as far as he had any religious connection at all, and whose family and friends were regular attendants upon his ministry, can you doubt his derangement? But this is not the proof relied on. The reader has seen what an *overwhelming array of proofs* have been presented. It would, it seems to us, be *impossible* to make out a case of insanity at all, even in our *lunatic asylums*, if this is not *fully established*. What more, in the name of reason, could be done or desired in the way of evidence? But we leave this point, as we believe it is now conceded on all hands that Mr. Fowler was deranged at the time and *irresponsible* for his conduct *whatever* it might have been. Mr. Fowler, then, is AN INNOCENT MAN *if he did ALL WHICH DELANO HAS ASCRIBED TO HIM*. Not a *stain* rests upon his *character* in the matter. He stands *exonerated from all guilt* in this respect. The other ground taken, we need not say, was, that even if there had been *no* insanity in his case, the testimony of Delano is not of a character for a moment to be relied upon. We think there can be as little doubt here as anywhere. We are sure no candid mind can regard the story of Delano with any degree of confidence whatever. Mr. Fowler, then, *never committed* the acts which Delano has ascribed to him, deranged or *not* deranged, and therefore, IF THERE HAD BEEN NO PLEA OR THOUGHT OF INSANITY IN THE CASE, MR. FOWLER IS PROVED AN INNOCENT MAN.

As, then, Mr. Fowler is charged with *nothing else* but the two

things to which the matters herein recorded relate, and as these have been shown to be *utterly groundless*, we rejoice, for his sake, for the sake of his friends, the Ministry and the Church—we rejoice as men, as lovers of our race, of truth and justice—we rejoice as members of the body of Christ, the great teacher and exemplifier of truth and justice—we rejoice as the ambassadors of that glorious and lovely personage, that sublime pattern of every virtue—we rejoice last, though not in this case with the least tenderness and strength of emotion, as the *friends of injured and prostrated innocence*—we rejoice to march up, in the conclusion of this review, upon the *clear, high and unincumbered ground* to which we have been conducted at last, though by a somewhat lengthened way, by *truth*, our faithful and unmerring guide; and here, upon this elevation, amid the concentrated lights of our guide which she has gathered in the way and brought up hither, we rejoice to *hold up before the Church and the world the ultimate*, and in our eye, the *golden lettered proposition*, that **MR. FOWLER IS MOST CLEARLY, FULLY AND TRIUMPHANTLY PROVED TO BE AN INNOCENT MAN!** Innocent of the two charges here preferred against him! Innocent of any thing and *every* thing inconsistent with the *principles, feelings and deportment of a man, a christian and a christian minister!* His character has come out of this fiery ordeal as fair and pure, and as free from stain or suspicion as is the character of any man *in or out* of the ministry. Is it not so, reader? Who can lay his finger on a single spot upon Mr. Fowler's character or impropriety in his conduct, except the two exploded allegations that constitute the basis of this trial? Where is the man or woman who, with these exceptions, has been found even to *breathe a whisper* against him? No such person *lives*—none have been brought to light amid all the *explorations and uncoverings* of his *past history*. For let it not be forgotten, that the most subtle, unwearied and powerful efforts which skillful ingenuity and determined zeal could invent and execute, have been put in requisition to hunt out *something* against him. The whole of his past life has been carefully and thoroughly explored. Letters have been written, or individuals sent to almost every place and prominent person with which Mr. Fowler has had anything to do, extending back to a period *long before* he became a minister—and especially have all his *enemies* been consulted. This, reader, is a provable and, to some extent, a well known fact. Communications, epistolary or otherwise, have been had with various individuals in Vermont, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Virginia, South Carolina, Kentucky, or Tennessee; and among the principal cities that have been honored with these communications are Boston, Hartford, New-York, New-Brunswick, Philadelphia, &c. &c. Does the reader ask how the knowledge of Mr. Fowler and the enquiries of his prosecutors came to be

thus extensive? we answer: Determined to convict him if possible, their mode of operation has been to enquire, first, where he had lived, and then who had been best acquainted with him, and finally, who had seen him here and who there—who had known him in college and who in the theological seminary—who had been with him at this hotel and who on board of that steamboat; and thus in threading out *every line* of his *past history*, they have heard of one in *this* place and another in *that*, who, sometime in his life, had known *something* of Mr. Fowler, and to him they have propounded their queries. It seemed to matter but little how faint the hope of information concerning him was, though it came from the extremities of the country, and from the almost forgotten and casual associates of his youthful days, it was not faint enough to deter them from enquiry. The reader will understand, that, incredible as this may seem, it is not fiction but *fact*, which we stand ready at any time to prove to the satisfaction of all. The most *scrutinizing investigations* have been driven with the *utmost determination* into all the *little histories* of Mr. Fowler's *past life*—*every avenue* has been entered and *carefully explored*—*every possible source of information* consulted by his *zealous and determined* prosecutors. They have examined, as it were, *every footstep* of his—*every act*, and have even gone into his *family* and enquired *most minutely* of *all the domestics* that have *ever lived* with him, and of those who have occasionally been *guests* in his house. They have consulted his neighbors, his merchants, his grocers, his parishioners, his associates, his friends and his foes, and all who have had any intercourse with him, and have even gone so far as to enquire of the *keepers of porter cellars* “if they had ever seen Mr. Fowler *look* (!) toward their cellar as he passed!” It is absolutely *astonishing* to what an extent they have carried this matter, if we have been rightly informed, and we cannot doubt it. Some, and even *most* of what we have stated, is known by all acquainted with the general facts in the case. Such, then, have been the *exertions* made to find *something* to Mr. Fowler's discredit—some mis-steps or improprieties which, if not alone, when put together, might be wrought up and wielded against him, and if possible, to his condemnation. And then they have had nearly *two years* in which to *carry on* these most rigid investigations since the case commenced. And let it be remembered also, for in this connection it is an *important fact*, that according to the rules of Presbyterian government and discipline, the accuser or prosecutor in seeking for charges against a man, is not confined, as in civil proceeding, to *flagrant acts* or specified and legalized *crimes*, but can table against him if he can find it, the *slightest misdemeanor* or departure even from *clerical propriety*; and on this he can, if the tribunal so judge, effect his expulsion from the church and the ministry. No acts

are specified as "indictable offences." The prosecutor has the utmost latitude of accusation, and can bring in to his aid in the shape of formal charges, things which are not only no offences against civil law or good morality, but which in any but a clergyman, would be regarded as *perfect proprieties*. He can take a single incautious word or deed, indicative, perhaps, not even of an uncomely thought or feeling, and by giving to its description a strong imagination, and comparing it thus exaggerated with the solemn gravity, the deep, sanctimonious and unsmiling demeanor which he may set up as the true standard of clerical behavior, he can make the comparison bear with no little force against the victim of his imputations. Hence the reason for some things brought out against Mr. Fowler, which the reader has seen in the foregoing record. For instance, he has seen it recorded among the proofs against him, that Mr. Fowler was in the habit of "*using tobacco*"—that he went once in his life to the "Museum" in Utica kept by one of his most respectable and worthy parishioners, to see the "Polish Giant," one of the greatest curiosities of animal nature—and finally, that Mr. Fowler was not on friendly terms with Edward Vernon, as though he was unfit for the ministry, if not for a membership in the church, if he could be at variance with, in any respect, or fail to venerate a man of Mr. Vernon's *holy and consecrated character* (!) These were all employed by the prosecutors in their proceedings and arguments before Presbytery, as constituting a part of the ground on which they urged Mr. Fowler's conviction and deposition, and were *all they had* to rely upon, except the two false charges. There was, however, *one* thing more introduced at Synod by the counsel for the prosecution and dwelt upon as a grievous departure from all that is pure and proper. It was, that Mr. Fowler, when he had passed through New-York city and spent a day or two there, had *stopped* at the *American Hotel*, one of the most quiet, orderly and respectable hotels in the country. The argument was, that "he *ought* to have put up at some *poor woman's* house where he could have had *family prayers* and an opportunity to *converse* with the *children*." All this is known to the members of Synod. Now, to say nothing of the *difficulty* of following this prescription—for the woman must be poor, and must have children, and desire family prayers, and be willing thus to accommodate a passing stranger, and withal, be a devoted christian—even if she could be *found*, which would require much time and trouble—but to say nothing of all this, we apprehend Mr. Fowler would do much better, if not in the *view*, certainly while in the *hands* of his prosecutors, to stop at a respectable hotel, rather than to be running through the city to find a "*woman*" to stop with. This hunting up of "*women*," Mr. Fowler has learned, would have been a pretty dangerous business to him. We have no doubt the *coun-*

sel who poured out his *griefs*, would at the time, have been glad if Mr. Fowler had gone after some "*woman*" to entertain him—it would have been a fact on which he could have spoken eloquently, and would have better suited the circumstances and necessities of the then forlorn and hopeless condition of his *cause*. But our advice to Mr. Fowler is, so long as that counsel and his associates have anything to do with his character and standing, to "*stop*" at the "*American*" or some other good Hotel, and let the gentleman's "*poor women*" alone.

But to return—such then has been the *latitude* which the prosecutors of Mr. Fowler have had, and such the *scrutinizing, unwearied, subtle and most unparalleled investigations and enquiries* they have made into the whole of his *past life*, moving about with *eagle eyes* among its most *minute, unrestrained, and every-day details* at home and abroad, to see if *something* might not be found; and the reader has seen the *result*. The "*tobacco*," the "*museum*," the want of "*reverence* for Mr. Vernon," and the "*not stopping*" at a "*poor woman's*" is *all! all!!* Not an *impropriety* has been discovered—not *one*, however *slight*. There is not in the *whole range of the testimony* in the case, a *single act* indicating the least possible *imprudence*, or departure even from the most unexceptionable *clerical* deportment, except the story of the girl and the conduct alleged in the spring of 1841, which have been *proved and pronounced* to be *false* imputations by an almost and virtually *quite* unanimous vote of the *highest court* in the church—a most intelligent and virtuous body of men. Not a man or woman has been found, after all the scrutiny, exertion, and latitude of proceeding, who could be prevailed upon to breathe even a *whisper* against Mr. Fowler—not one of all the multitudes consulted, who have seen Mr. Fowler in all circumstances and conditions, even from his youth to the present moment—not one has ever seen in him even *enough* of *impropriety* to be worth the attention of his *prosecutors*. For does any one suppose that they, who have been back so far in his history, and *scanned and scoured* it so *minutely and eagerly*, and who had the privilege to bring in to the trial any thing they chose, and *have* even availed themselves of his use of tobacco, &c.—does any one suppose that *they* would not have discovered it, if there had been a single blemish, and that discovering it they would not have brought it to light and made the most of it? No, this cannot be supposed. Who then will now lay a charge against Mr. Fowler? Where is there a *stain*—where has there *ever been* a stain upon his character, or in his conduct a single known departure from the high track of christian integrity, and ministerial propriety and devotion? We make no extraordinary claims for him—we suppose him to be, like all that is mortal, subject to infirmity. And yet we confess that after all the *siftings and grindings* which his *past character* for years and years has un-

dergone, and the *freedom* from *blemish* with which that character has come out from this two years' process of the *severest scrutiny*, we are compelled to regard him as having been a man of most uncommonly uniform and undeviating rectitude. It must be so. It was in view of all this that a member of the late synod, in assigning reasons for voting in his favor, said, "that he believed few men, even in the *ministry*, could stand the test of *such* an investigation into the *details* of their *whole past lives*, public and private, and even in their *families*, and come out as *fair* and *pure* and free from stain and suspicion, as had Mr. Fowler." So, we confess, does it seem to us. He has borne this fiery ordeal in a manner to enforce on us a conviction, which we cannot for our lives avoid if we would, that in his conduct and life Mr. Fowler has been a man of no ordinary circumspection, prudence, and uniform rectitude of character and deportment. The investigation shows it, if he be innocent of the two charges to which the facts herein recorded relate, and shows it in a manner *triumphantly favorable* to him. We have taken the liberty thus to express our convictions which in other circumstances might seem too much like vaunting in his behalf, because efforts, we believe, are still being made to keep alive the suspicions against Mr. Fowler on the pretence, that if innocent of the grand charges, he is not, and has not been in other respects, all he should be. If any reader has been tainted with these suspicions, (and he may have honestly cherished them) we put an enquiry to him. Suppose *your own* life, reader, were thus to be *ransacked* and *combed out*, as it were, with the *finest toothed ivory*, could you stand the ordeal better than he has? Do you doubt? (for we trust you will not be *offended* at the juxtaposition.) But *how better* than he? If innocent of the two allegations, not a *spot* or *tarnish* has been found upon his character from his youth. And yet such spots and tarnishes have been *smelt after* and *hunted* in a *two years'* chase through his *whole history*, and that too by the *veriest blood hounds* from the ecclesiastical kennel. We mean by this nothing more than men of uncommon subtlety and determination to bring down their victim. Now, we know it was natural, before the facts in the case were made known, to believe Mr. Fowler a very imperfect man—so much has been said and said with so much *gravity* and apparent *knowledge* and *authority*. But now, that the facts are known and *attested* too as being *all* the facts in the case, we trust, all who have sincerely entertained these opinions, will *concede* and *express* their convictions (if convicted they are) of Mr. Fowler's *innocence* and *worthiness of confidence*. For surely if he be an innocent, he has been a most cruelly abused and suffering man. Let him be regarded only as a victim of *insanity*, and under its wild distraction doing things, which in his senses he would not have done for *worlds*, and suffering all the *mortification* and *grief* attending at every moment the

recollection of them—let this *alone* be the view, admitting the *truth* of all Delano has said, and it is *calamity enough* for one to bear. But if, in addition to this terrible misfortune, he has been *branded* as a low and licentious *intruder* upon the poor *innocence* of an ignorant and humble female *servant*, which has been *most signally proved to have been a false and cruel imputation*—and if, to crown the whole, he has been publicly *condemned* for alleged acts at a time when it is *proved*, not only that he was *deranged*, a wretched and distracted *maniac*, but that he did *not even commit the acts themselves*—when we look at all this, as the combined and concentrated evils, misfortunes and cruelties under which he has labored and groaned and wept for the last two years—and then when we view the desolations that have come upon him as a consequence; for a while thrust out of society, scorned and despised, forsaken by his former friends, &c. &c. — when we think of *all this*, we confess our hearts yield within us to the tenderest emotions of mingled pity and indignation. No tongue can tell how much he has suffered, and must have suffered. Reader, you are an innocent man—you love your reputation—you are respected in society and move and mingle in a circle of social relations, which perhaps, you would not exchange for a thousand princely fortunes, and with them become an outcast from society; for what are these—what is *life* worth without the *respect* of your *fellow creatures*? Who would live to see his character entombed? Who would survive the loss of his reputation? We suppose it difficult, if not impossible, for those who have never suffered in this respect, to *realize* what it is to lose one's character and standing *unjustly*—to see those whom he has respected and loved passing by him in cold and silent contempt—to approach the circles in which he was once respected and happy and see every countenance changed into a frown of repulsiveness, as though some worthless vagabond had been ushered into their presence—to be regarded as too depraved to come in contact with virtuous and happy mind, and thus be cut off from all the comforts of being, with every thing to mortify and grieve to the very soul, and nothing to alleviate but the consciousness of *innocence*—O! it must be, when we stop a moment to reflect upon it, a state of suffering too *peculiar and poignant* to be described or *conceived* by any but its unfortunate victim himself. Nothing, it seems to us, could for a moment, to a man of right feelings—nay, to one not utterly lost to all respect for himself and the opinions of others, be regarded as any compensation whatever for such a total desolation of his social being, comforts and hopes. Let the alternative be on the one hand a *princely fortune*, but with it the contempt and execration of the world, or on the other, a *virtuous poverty* with the respect and confidence of the world, and where is the man who would not infinitely prefer the *latter*, and feel in the midst of want

that he had a treasure that rendered even want itself a trifling burden. Nay, let the two conditions be presented of a *life of disgrace*, shut out from society and despised, or *no life at all*, and who is he among the virtuous and right thinking of our race who would not look down into the *opening grave* as the mariner looks into the unruffled harbor to which he is fleeing from the *dark tempest* he is leaving behind him, and bless God that he had *provided* a tomb in which to hide himself from such a terrible blight of being? We confess when we really pause and endeavor to *bring home* to our own bosoms the thousand *dark and dreadful feelings* resulting inevitably from *such* a condition, we can easily see that nothing, in the whole range of human allotments and sufferings, real or imaginable, can for a moment *compare* with it. Suppose, then, reader, (if you will allow us,) the tongue of slander were let loose against *you*. You are charged with the *vilest crimes* that darken the catalogue of human corruption. You are thrust out from society—the storm increases and drives in upon you from all directions. In the midst of it you go to the house of a *friend* to pour your griefs in *his* ear, saying within yourself all along as you go, “I can convince him—yes, *I can* convince him.” But he meets you at the door, and you see in his cold eye, his curled and contemptuous lip, the *change* that has past upon him. You walk the streets, and the curious gaze of scorn and derision is everywhere upon you. It is thus in public assemblies—it is thus in public conveyances. You have become *notorious* for your *depravity*, though of *that* depravity for which you are thus cruelly made an *outcast* you are as *innocent* as the purest of your despisers.—Thus for months you drag out a miserable existence, cut off from society and driven back within your own bosom to hold communion *only* with the *gloom and desolation* there. Suppose this were your condition, and you knew you should be compelled to bear it till a proper investigation should set the matter in its true light, we ask every reader of an honorable and generous mind to pause a moment and reflect—what would be the course which you would think *ought* to be pursued by *every lover* of *truth, justice and mercy*, and which you would think you had a *right to expect* from this *class* of your fellow citizens? When you saw them bending beneath the tide of feeling that had been set afloat by the *malicious and slanderous* reports of your *personal foes*, what would be your feelings? Is there any *grief* that can *compare* with it? By making the condition *our own*, reader, we can, by the application and force of that “golden rule” that is the true touch-stone of all generous feeling, “to do to others, &c.” *decide* what should be *our* course in regard to *others*.

We trust we shall be pardoned for this train of remark and appeal. We have introduced it because we think there has not been in this respect, from what we have heard and seen, quite as *much*

reflection and consideration as there should have been. We know the circumstances were such as were very much calculated, especially in the early stages of this affair, to predispose and prejudice the mind. The alleged facts were of such a nature, and came with such a greedy *reception* and confident *assertion and enforcement* on the part of *certain individuals* who had long been hostile to Mr. Fowler, that the best and most liberal minded were very likely to be deceived. But yet the *fact* of their *hostility—the character of the sources* from which much that has been said against Mr. Fowler has emanated, and all that has been said has received no little of its flagrancy and power to injure—that fact we think, has not been so much and duly considered as it might have been, and perhaps would, had it been more extensively known. But the thing is now *past*. The tide has *turned*. Mr. Fowler has been most *fully and honorably acquitted*. The highest ecclesiastical court in the country, in his own large and respectable denomination has pronounced *every charge* against him to be *false*, and that too by a decision which, from its *unanimity* and the *very disadvantageous* circumstances under which it was obtained, is acknowledged to be *without a parallel* in any similar case in the whole history of that court. We have been told that neither that body or any other in the country, in a case of scandal or imputations against character, has ever been known to vote with such *unanimity*. And when this and the formidable disadvantages under which Mr. Fowler carried his case before them, are taken into view, it cannot but be regarded as a most *extraordinary triumph of truth*. This decision, published as it has been throughout the land, will, of course, place Mr. Fowler in a position before the public in which he will not only be regarded universally abroad as *innocent*, but in which there will come back to him with this return of confidence a kind and *degree* of *sympathy* that will be some compensation for his past sufferings. For there is after all a great deal of that feeling in our common humanity that *abhors oppression and abuse*; and whoever has been thus treated will, if innocent, come out in the end not only with a fully restored character and standing, but along with it a *host of sympathies and regards* gushing from a thousand hearts, which but for his wrongs, would never have been called into exercise.—These sympathies have already begun to come into Mr. Fowler in the form of a personal and most grateful reaction of the public mind, of the noble and generous emotions of nature and a lofty christianity. He has received invitations professional from abroad which, from the circumstances, must have had their origin in the very impulse of that high-minded sympathy and an abhorrence of that spirit which, unsatisfied with stabbing alike the character and the heart of its innocent victim, seeks to *crush and devour* that victim after he has been fully and triumphantly ac-

quitted. But we rejoice to believe and know that all such efforts will be *in vain*, and come back with something *worse* than a failure upon the sources from which they spring. We say this with no unkindness of feeling; for we have no personal reasons of course for such feeling. We believe Mr. Fowler never stood higher, if as high, as to his claims upon public confidence, as he does at this moment. Within the last few years he has been in circumstances in some respects exceedingly peculiar and trying. It is well known in the community in which he lived, that in consequence of the state of things there, and at times, in his own congregation, and the se-cession from that congregation of several individuals who left with *most peculiar* feelings toward him, and organized a church of their own, Mr. Fowler has been surrounded by a *class of people* whose *eagle-eyed* observance has been *constantly upon him* with untiring *scrutiny*, watching every movement, and whose imaginations, as is usual in such cases, could very easily be made to supply what the eye failed to discover, and to catch and exaggerate whatever was set afloat in any measure reflecting upon him. Such has been his peculiar situation. It was therefore to be expected that he would have much to contend with and to annoy and injure his feelings in the scrutinies, criticisms, tattles and imputations of those unfriendly to him, aided by the *nods and winks* of that class who constitute the "observed of all observers," and vice versa, the observers of all observed—who are the ever-present and ever-felt of all communities, and whose grand *distinctive* characteristic is to *impugn* the impugned, to *strike* the stricken, to *crush* the crushed—who seem to live only to glut themselves upon the downfalls of others, and of whom, to give the vulgar description, it is said, "they glory to give a man the *kick*" who by a misfortune of his own, or the slander and abuse of others, has begun to "*descend the hill*." It has been true of Mr. Fowler, we repeat, to a very trying extent; that he has been thus *beset*, *annoyed* and greatly *injured* we have no doubt at times for the last few years. And it is on this account that we affirm that he never held a position where his claims to confidence were stronger, if as strong, as the one which he now occupies. Those claims have passed through a test of no ordinary character; and if they had not been beyond the *reach of injury*, they would have yielded to the smelting operation of that *fiery ordeal* which they have been undergoing for the last two years. He has now been *proved* to be worthy of regard, if he be innocent of the two charges, which we think no candid mind can doubt. His character, which before stood with the mass at least, like that of most others, on the basis of *presumed* rectitude, has been redeemed even from the *uncertainty* of that presumption, and placed before the world in the light of *actual evidence* drawn out from the *scanned and scrutinized details*

of his past life. What was once a matter of *belief* with his friends and of *doubt and surmise*, affected at least, with his *foes*, and what was *asserted* by the one and *denied* by the other, while neither had the means of *proof*, is now a matter of *actual and undeniable demonstration*, alike irresistible to *all*. The little scandals that have heretofore floated on the surface of community and been blown about from one to another, are now *shown* by the absolute *certainty of positive evidence* to have had no foundation whatever in truth. *Surmise*, that little thousand-eyed busy-body that has always been the plague of conspicuous worth, and that is as much the offspring of conscious vice as it is the tormentor of lofty virtue, has and *can have no more to do with Mr. Fowler*, if he maintains, as we believe he hitherto has, a course of gentlemanly and christian integrity. It has found its *grave* in the final *results* of this investigation. Every *slander or suspicion* in regard to Mr. Fowler's character and life, that may now arise will be *shorn* of its *power*; for it will meet a *response* echoing back from the demonstrations of this trial, "*it is false! it is false!*" Mr. Fowler now stands upon the high vantage ground of the *actual and irresistible proof* of his past circumspection and innocence, and his very *position*, seen and known by all, is an argument of defence. With the aid of his scrutinizers, though contrary to their intentions, he has built him up a rampart of defence strong and impregnable, against which all the feathered missiles now aimed at him will fall to the ground like pistol wads against the fortifications of Gibraltar. We speak strongly, but no more so, we think, than truly. We mean by it simply this, that if he be innocent of the two charges, the *very investigations* of his case, extending as they have into all the details of his life for a great number of years past, as they have resulted in the discovery of *nothing whatever*, not even an *impropriety*—these *very investigations* we say will put to *silence* any and *every* surmise that may spring up or be tried to be kept alive in regard to his character and conduct hitherto. And therefore we reiterate that he never stood on ground where his claims to public confidence as a man, a christian and a christian minister were stronger, if as strong, as they *are at this moment*.

There is one point on which we wish to submit a single thought, and we think its propriety will be conceded by every candid reader. It is that Mr. Fowler is to be judged of, in regard to the *two charges* herein considered, just as *any otherwise virtuous and upright man* would be judged for the same alleged offences. It would be very natural for any of us after all that has been said concerning him, to be somewhat influenced in our opinions of his guilt or innocence of those charges, by a sort of *general impression against him* arising from *other things*, which we have seen in this investigation to have been utterly false. Now suppose these two

charges, founded on the story of the girl and of Delano, were at this moment to be *presented* before us against some well known, and hitherto, unimpeached and unimpeachable clergyman, of whose purity and piety no suspicion had been entertained. And suppose that along with the two charges at the same first moment of their coming to our knowledge, should also be presented to us, the same *identical, numerous* and *unequivocal proofs* of his *innocence* which are exhibited in this record of *Mr. Fowler's* case. Now, under these circumstances, you would judge of that clergyman's guilt or innocence of those charges entirely from the *proofs themselves* for or against the truth of the charges, and *without* any influence from *general impressions* against him, because you would *have* no such impressions. Indeed, his former correctness of deportment would act as a strong argument *in favor* of his innocence. But we ask the reader, if this is not precisely the way in which *Mr. Fowler* ought to be judged in respect to these alleged offences? Why not? If nothing but these have been found to exist against him—if, after all the search and enquiry for years and years, not a stain rests upon his character, not an improper act has been discovered, why should not our judgment be formed in *his* case without the influence of any *other* impressions, and even from the consideration of long continued and unexceptionable *previous* rectitude, as much as in the case above supposed? If there be any *difference* it seems to us to be in *Mr. Fowler's* favor. For, although the past life of that clergyman had the appearance of undeviating uprightness, it *might*, if carefully examined, be found to have been far otherwise. This we say would be possible. While we might *believe* it to have been correct, and have no suspicion to the contrary, we should have no *positive proof*—no knowledge based upon *actual evidence* drawn from the secrecies, the hidden details of his every-day conduct. But in the case of *Mr. Fowler*, we have this proof; we have *exactly this evidence* drawn from the *secret details of his past history*, from those portions of it, when he was entirely away from all restraints. And here we beg leave to record a *fact*, which, with very many others of a similar character, we have hitherto thought, for the sake of the ministry and religion, we would not record and thus publish to the world the conduct, to which men who ought to be above it, will condescend. *Mr. Fowler*, as is well known, after he left the asylum, nearly two years since, spent a year in Boston, or rather was there the most of the time. Now the fact we wish the reader to notice is that *letters* were written by the *men who have taken the lead* in this investigation and prosecution, to a *man in Boston*, to engage him to *watch Mr. Fowler carefully and strictly*—to pursue him closely *evenings* when he should leave his *boarding-house*, to see *where he went and what he did*, that something, if *possible*, might be discovered that would furnish them with *materials* which they

could work up into a picture of impropriety that would aid them in securing his ultimate conviction. This was but quite recently ascertained by Mr. Fowler and David H. Little, Esq. one of the commissioners, and whose name stands with the rest at the head of this pamphlet. When he and Mr. Fowler went to Boston to take testimony just before the late meeting of synod, they saw a gentleman of high integrity who told them that he had seen the person to whom the letters referred to had been written, and that that person had told him that he had been thus requested to watch Mr. Fowler, and that he read to him some of the identical letters sent to him by the prosecutors and their friends from this region. And the gentleman further told them that the person said he had thus watched Mr. Fowler when he was walking the streets of Boston, &c. &c. And when that person was asked if he had ever discovered any thing improper in Mr. Fowler, he replied "that he had never discovered any thing worse than going into a livery stable!! He did see him on one occasion enter a livery stable and stay about three minutes." This same gentleman too, heard the person at the same time at which he told him the above, read certain portions of the letters alluded to, requesting him, the person, to go to Mr. Bottum, who was then in Boston, and try to induce him to contradict the testimony he had already given denying the truth of Delano's story. Mr. Little, who was with Mr. Fowler and heard all this from the gentleman named, is well known in this community, and will attest the truth of these statements. Such, reader, is a specimen of the proceedings of Mr. Fowler's prosecutors. Many, very many things were done which, as we have said, for the sake of the ministry, for the honor of religion, and we may add, for the honor of our common humanity, we have passed in silence and left unrevealed and unrecorded. We have mentioned only such, and so many of these dark deeds as we deemed absolutely essential as a matter of justice to Mr. Fowler. Nor should we have brought out the acts just referred to but for the purpose, which we deemed important, of illustrating the true grounds on which we think Mr. Fowler ought to be judged in this case—in other words, of showing the reasons why we ought not to be governed by any general impressions against him, such impressions being entirely groundless. For surely, to say nothing of the deep iniquity of the course pursued by Mr. Fowler's prosecutors in attempting to bribe Mr. Bottum, one of his important witnesses, to come out and take back or contradict what he had already sworn to—to say nothing of the spirit (we will not name it) that led them to put sentinels on the track of Mr. Fowler, sneaking along in his wake, at a concealed distance, hour after hour and night after night, to try if possible to get hold of some act of his in an unguarded moment when alone, which they could work up by colorings and exaggerations into the semblance of a fault—to say

nothing of all this, if Mr. Fowler *has been thus watched* in public and *private*; if, for a year in the city of Boston, amid a thousand imposing and attractive *temptations*, his very *evening walks* have been *pursued* when he thought himself *alone*, and was under the deep covert and concealment of night; and yet, if in this *private conduct*, these most *secret* and *unrestrained* movements, when, if an evil passion *existed* it would have *shown* itself, nothing more has been discovered, nothing affording materials for a better hit before Presbytery, than simply "*entering a livery stable*" for a moment, why, we think that *all*, in forming their opinions of Mr. Fowler in this case, may safely and justly lay aside *every impression* unfavorable to his *general* deportment, and judge of *his* guilt or innocence in regard to the two great charges, as they would if it had been the case of any other clergyman of otherwise unimpeached and *unsuspected* rectitude. And, as we before said, we think the difference, if there be any, is all in *his favor*, since he has been thus *tested* and *proved* by *dogging* his footsteps in his most *secret* hours when *alone* in the midst alike of *darkness* and *temptation*. We are to judge of Mr. Fowler in regard to the charges then, as though his life, with these exceptions, had been as pure of even the thought or suspicion of wrong, as any man's in the wide world. For, as we have said, such is *really the truth* in the case, as shown by actual investigation, whatever impressions we may have had to the contrary. And we see not why we should not make this general rectitude of Mr. Fowler thus clearly demonstrated, as in other cases, an argument in favor of his probable innocence of what is here charged upon him. We make these remarks not to eulogize Mr. Fowler beyond his merits. Far from it. Nor because we fear Mr. Fowler will be regarded as guilty of the two charges by any candid mind. But simply because certain *impressions* and *influences*, entirely foreign from the two charges, have doubtless crept into many honest minds, and that too by a very natural and almost imperceptible and irresistible process, and which we think every candid reader will see to be entirely unfounded, now that the result of the investigation is known, however sincerely they may have been originally cherished, and that to permit them now to control the mind in the least possible degree, would be doing Mr. Fowler manifest injustice.

Now, reader, we wish to say a word or two in regard to the course *we* have here pursued. Our original design, or rather, the original design of Mr. Fowler himself, was simply to publish all the facts in evidence without a word of comment. But when we came to see the *strong influences* against which those facts in evidence would be compelled to work their way to the understandings even of many high minded and most just and honorable men; and especially when we saw the still *unwearied exertions* of Mr. Fowler's prosecutors to prevent the natural effect of those facts

and of the triumphant decision of synod, condescending to the most astonishing means to accomplish this, we felt it to be an *imperious duty* imposed on us, to give a more extended view of the case, and to show in some small degree, though we trust to an extent that places them in their true light, the *course and conduct* of these *prosecutors*. We have seen and felt from the first view we had of the facts in this case that Mr. Fowler has been in this whole affair a *most abused and persecuted man*—that he has been the victim of the relentless hatred of a few individuals, who, from their standing in community, have had it in their power in the circumstances to make themselves heard and felt against him, and who have employed that power in a manner and to an extent that scarcely have a parallel in the history of human corruption and abuse. We are aware this is taking high ground against ministers of the gospel. But we speak advisedly, and trust we have shown enough in this record to justify our assertion, at least in regard to *Mr. Spencer and Mr. Haynes*. If we have not, we have yet in reserve *certain transactions* which we can prove by competent witnesses, if circumstances should require it, but which, as already stated, for the honor of religion and humanity, we have refrained from publishing. We have inserted *only* what seemed *essential* to our purpose. And we have done what we have with no unkind feelings. We have taken good care too, that all we have said should be sustained by adequate testimony. We have referred all along to the *attested proofs* in the case, where the statements made or the arguments laid down have been based upon those proofs, (and such has been the character of the great proportion of what we have said) and where we have asserted any thing, not drawn directly from the regular and attested facts in evidence, we have inserted *certificates* of most *competent and credible* witnesses in support of our assertions and arguments. Such then has been our course. We have endeavored to be high-minded and honorable, and withal, candid and calm. If, in any thing we have seemed to be too strong in our expressions or warm in our feelings, it has been from the *nature* of the *facts* that have crowded into our view as we advanced, the worst of which we have not recorded, and which at times, we confess, have so excited us both in regard to Mr. Fowler and his prosecutors, that for a moment perhaps we have over-stepped the purpose we formed at the commencement, of restraining all our “doings and sayings” within the limits of the kindest christian expression, moderation, and forbearance. For really, we have *never seen* a case—we have never *heard* of one, in which the course and conduct of ministers of the gospel, have been so astounding and incredible. This has been a most unlooked for and painful discovery to us. We have seen the *gross injustice* which we thought was practised against *Mr. Fowler*. We have seen the *reckless determination* to convict him at all

hazards and by every means. We have seen a poor, ignorant, and we may add, a still almost *innocent* servant girl *trembling* under the subtle and powerful *menaces* of these determined pursuers of their victim, and *forced*, even with *tears of reluctance*, to the commission of an act which was as *repugnant* to her *feelings and conscience* as it was criminal and disgraceful in them and cruel to their victim. We have seen the *Commissioner*, a man appointed to *do justice* between the parties and to take down the testimony impartially and verbally from the lips of the witnesses, madly *bent* upon the *conviction* of the accused, violating all the rules and solemn sanctions of his office, assuming prerogatives which it was a gross act of injustice to claim, rejecting certain portions of the testimony and perverting others, and finally starting in a *fit of passion* from the presence of an important witness and leaving the city, thus determined not to record her testimony because that testimony was *vitaly valuable* to the *accused* and would have cleared him of suspicion; and then, to crown the whole, in order to smooth down this gross and *flagrant outrage* of all right and propriety, we have seen him going before an officer and *swearing* to certain *facts* as the ground and justification of his course, which facts that *witness* and other credible persons then present, have sworn to be totally *false*. Such, and much more and worse both recorded and unrecorded, have been the *amazing* and *startling* things which we have seen in the developments of the history of this case. And is it, we put it to the reader to say, a matter of any very great surprise, that with these and a multitude of other *unparalleled corruptions and outrages*, which, if they should occur in *civil* proceedings, would consign their perpetrators to *infamy*, to universal and unmingled scorn, denouncement and *execration*—is it a matter of any great surprise, that, with all this before us, we should occasionally give loose to feelings and expressions evincing some excitement? Why, in two instances, and we believe the only two in which *strangers* were *present* at the taking of testimony in the whole case, gentlemen, happening to sit by, observing the course of the prosecutors and commissioner, *broke out* in the midst of the proceedings with *exclamations of surprise* and *stern rebuke* for the *gross injustice* they were practising against the accused in the taking of testimony. Mr. Coffin and Col. Hubbell, well known as residents in this community, were each present at different times and places at the taking of testimony, and when they saw the *palpable injustice* of those men, although they had no interest whatever in the proceedings, they were no longer able to *restrain* themselves, but gave *vent* to the *overflowings* of their natural and *irrepressible indignation* in direct personal and sharp *rebukes* of the prosecutors and commissioner, for the *unheard-of* course they were pursuing. And surely, if indifferent persons and strangers,

at the sight of only *one* of these instances, and that too one of the *mildest*, felt irresistibly *impelled* to give such an expression of their *abhorrence*, we, who have the *whole history* before our view, may be *excused*, if we have now and then seemed to manifest feelings and to use expressions indicating a little of the same natural and irrepressible indignation. But we do not fear accusation and censure on this score, at least from the candid and impartial reader, as we humbly think we have preserved throughout, if not the feeling, the external form of much less severity than the aggravating circumstances of the case were calculated to inspire. Our object has not been to *argue*, or in technical language, to “sum up” the case of Mr. Fowler. We have thought the evidence too clear and overwhelming to require it. Mr. Fowler, in doing this before synod, occupied about six or eight hours, or an entire day. To have gone over this ground, would have occupied too much of the time both of ourselves and the reader, if indeed a reader could have been found. We have, therefore, left the great questions of Mr. Fowler’s insanity and of his relations to the story of the servant girl, *unargued*, except so far as the latter came under our notice in showing the course and operations of the prosecution; while in the case of Delano, we have done no more than briefly to consider some of the many *inconsistencies* in his story, and the considerations that show its utter destitution of truth. We have done what we have from conscientious motives, impelled solely by a strong sense of duty to the cause of truth and justice, and to a man whom we have regarded as the victim of flagrant and unparalleled abuse.

And now, in conclusion, reader, what is your opinion? You have all the facts before you, and we have not a fear of the result. Of what, then, has Mr. Fowler been guilty, after all that has been said and done? Of the alleged “improper liberties?” No, we must not, and cannot fasten this stain upon him in the face of all the facts in the case. And even if there were *no* direct and conclusive proofs of his innocence, it would be but a question between a minister and a servant girl, the one affirming and the other denying, even though she had told the story *at first* and told it *always cheerfully*, and had never for a moment *denied* it. And certainly the word of the former would be as good as the word of the latter. Is he guilty in the *Delano* case? No, we cannot, with *Bottum’s denial of every word* of Delano’s story, and with *every fact* in the case *corroborating* that denial and showing *conclusively* the *falsity* of the story, we cannot hold him guilty here if there had been *no insanity*. Bottum’s denial *alone* would *annihilate* the force of Delano’s testimony. What then can we think when we see the *rotteness* of that testimony *itself*? But upon the top of all this we have another question — was Mr. Fowler *deranged* when with Delano? Yes, who can deny or

doubt that he was? No one. We think it *impossible* for any *reasonable suspicion* to exist on this point. But is there *nothing else*? No, nothing else is *charged*, except a shadowy, half-frightened *allegation*, scarcely visible, except in the *decision* of Presbytery, and which sneakingly insinuates that Mr. Fowler had been intemperate. But on this we have seen they were able to present but *three or four glasses of wine* in a period of *twelve or fifteen years*, or we know not how long! and such was the *flagrant injustice* of this decision of Presbytery that even the *prosecution* seemed ashamed of their connection with it before synod, and were there as silent as the grave on the subject. Is this then all? Yes, *all*. What then has been the "*head and front* of Mr. Fowler's *offending*?" What is there to show that he has not been a man of as *pure* and *unexceptionable* deportment as any other? Nothing! *nothing*! All the materials which he has furnished for making out a case at all, are, that when *deranged* he was sought by one who had before incautiously reported wrongfully of him, and who made an *unsuccessful effort* to lead him astray. He has been the victim, first of *insanity*, and then of an *attempted* imposition. THIS IS THE LENGTH AND BREADTH OF HIS OFFENDING. And yet, reader, *how much* he has *suffered*! Think of it, in all its poignancy and terrible effects upon his mind, his happiness and health for the last two years—the sleepless nights he must have endured, and the killing mortification and grief that must have corroded his bosom, preyed upon his peace and drank up all his comforts—the dreadful *injustice* done to him by opinions of his *guilt*, however honestly entertained, and the more honestly the more painful and intolerable to him—think of this, and much more that lies beyond the ken and imagination of all others but himself, and then, with *this view* before you, we ask you, reader, what are the *feelings* you ought to cherish and what the *course* you ought to pursue toward Mr. Fowler? What does that beautiful, that heaven-sanctioned and heaven-descended rule, which, to designate its value, though it falls infinitely short of the full representation, we call the "*golden rule*"—what does that require of *you* and of *us* in this case? Were it your son, your brother, your husband, your father, or yourself, that had been loaded with *all this calumny*, by a process as *unjust* as it was *cruel*, what would *then* be your feelings? Think a moment. Would you regard him and his case with *indifference*? Would you do nothing to *relieve* his woes—nothing to bring him out from under this cloud—nothing to sustain and elevate him to the position which he once enjoyed, which he had never forfeited, and to which he had now as high a claim as ever? Or would you not take just the *opposite* course? We do not expect that Mr. Fowler will share as largely in our interests as would the near object of our natural affections. This is not pos-

sible in *ourselves* or in *you*. Human nature, even under the plastic and holy influence of *christianity*, has not yet reached that elevation and power of goodness, that is above the predominance of selfishness. But yet, as christians, as men, as members of society, as lovers of that truth and justice that lie at the foundation of all social welfare, as haters of that oppression and injustice that are at once the bane and the ruin of all true social happiness, have we not an interest in, and a duty to perform toward, *every* man who has been the *victim* of *another's malice, ambition, or power*, and on whose rights and welfare the iron heel of that enemy has been planted in the face of the world? Can we stand by and see such a deliberate, determined and wanton crushing, and mangling, for two long years, of the *character, hopes, and happiness* of a fellow creature, and feel no interest and put forth no hand to rescue? Shall we do nothing to vindicate those personal rights and safety on which we place a value which no computation can estimate? When we see such a determination to crush, shall we do nothing to elevate? Who then is *secure*? Who of you that holds connections, even with the *Church*, (our own especially,) can say that a majority of its officers, appointed as they are for life, and whom no power on earth nor in heaven this side the Almighty Throne, can *depose*—who of you can say but they may become inflamed with a secret enmity and under the garb of a sanctimonious and hollow-hearted pretension to justice, seek out some innocent act of *your* life, and by a wicked abuse of power to gratify passion, hold you up to the scorn and contempt of the world? Many a man has suffered in this way. The truth is, with our present ecclesiastical organization, valuable to be sure, but only when its checks and balances are strictly preserved by the action of a stern and healthy public sentiment, there is *no safety for individual character* in the *ministry* or the *church*, if we can see such character *trifled* with and *devoured* by a prejudiced, hostile and life-leased *power*, without *rebuke*. Every man has an interest in this matter aside from any *personal* considerations toward the injured. And for our part, we feel that we have a duty to perform toward Mr. Fowler from which all the sneers and frowns of the few who still cherish their hostility to him, shall never deter us a moment. It is true he does not much need our humble exertions and influence, for since the triumphant decision of Synod, he is fast being understood as a *persecuted man*, and rising into *favor and affection*. But as well-wishers of society—as haters of *lawless oppression*—as lovers of the peace, purity and order of the *Church*—as despisers of *despotism*, civil or ecclesiastical, that seeks to gratify its *corruption* by taking advantage of its *power*—as opposers of all *authority* that cannot be deposed, and that prostitutes its high prerogatives to the accomplishment

of personal and malicious purposes—as the friends of the *oppressed and down-trodden*, the determined advocates of injured and prostrated innocence, and we take pleasure in saying, as sincere and deeply interested *sympathizers with Mr. Fowler* in his almost unexampled sufferings—in all these capacities and from all these considerations, we feel that we have a *duty to perform* toward Mr. Fowler, and according to the best of our endeavors, we *mean to discharge it*. We make no prescriptions to others; but feel confident that all the high-minded and generous and truly christian of *both sexes*, however they may have felt heretofore, now that the facts are made *known and amply attested*, will view this whole subject in its true light and think, feel, purpose and act accordingly.



